

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29118 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- GOGRI District- Khagaria

Abhishek Mandal @ Abhishek Kumar, S/o Lalo Mandal @ Lal Bahadur Singh, Resident of Village- Fatehpur, P.S.- Gogri, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar
2. Gita Devi, W/o Arbind Poddar, Resident Of Village- Muskipur, Ward No.36, P.S.- Gogri, District- Khagaria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Kumar Satya Kirti, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Gogri P.S. Case No.104 of 2024 (G.R. No. 787 of 2024, dated-19.03.2024 registered for the offences punishable under Sections 363 & 366A of the Indian Penal Code and later on Section 4 of the POCSO Act was added.

3. As per allegation, the minor daughter of the informant has been kidnapped by the petitioner and his father.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as per the documentary proof the



victim is above 16 years of age and she is matured enough to take her decisions. She has clearly stated in her statement as recorded under Section 164 Cr.PC that she had voluntarily gone to the petitioner because she loved him. As such, no offence is made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Gogri P.S. Case No.104 of 2024 (G.R. No. 787 of 2024), subject to the conditions as laid down under Section 482 (2) of



the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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