

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34971 of 2025

Arising Out of PS. Case No.-61 Year-2022 Thana- SABAUR District- Bhagalpur

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Vikram Mandal @ Bikram Mandal S/o Kishan Mandal Resident of Vill-
Dhauni, P.S.- Rajoun, Distt- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Sah S/o Sri Jay Prakash Sah R/o Vill- Virnaudh, P.S.-
Goradih, Distt- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Sabour (Goradih) P.S. Case No. 61 of 2022 lodged on
17.02.2022, for the offence punishable under Sections 366(A),
120(B) & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged
against five named accused persons, including the present
petitioner, alleging that they have kidnapped the informant's
daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that, although the petitioner is named in the FIR, his
name has figured in the case solely because he is the brother of



the person with whom the victim girl had gone. Counsel submits that the victim girl has been recovered and she has deposed her statement under Sections 161 & 164 of the Cr.P.C in which, she has not alleged anything against the petitioner. Counsel submits that the victim girl was in love with the brother of the petitioner namely, Pritam Kumar @ Priyanshu Kumar. Counsel further submits that the Sessions Judge has acknowledged in paragraph no.6 of the rejection order, that the victim's statement has been recorded under Sections 161 & 164 Cr.P.C in which she has deposed that she and petitioner's brother Pritam Kumar @ Priyanshu Kumar went to Kashmir by train and on their sweet will solemnize their marriage in a temple and both have stayed for 15 days in Kashmir and when she got information that her parents has lodged the case against her husband and in-laws, then she returned back. Counsel further submits that the petitioner has no criminal antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the Sessions Judge not only acknowledged the statement of the victim under Sections 161 & 164 Cr.P.C, but also observed that as per the School certificate, the age of the victim is 15 years and she is minor.



Therefore, anticipatory bail may not be granted to the petitioner.

6. As such, in the present facts and circumstances of this case considering that there is no allegation against the petitioner and he has been made accused in this case only due to reason that he is the brother of Pritam Kumar @ Priyanshu Kumar against whom there is allegation, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Additional Sessions Judge-VII-cum-Special Judge, POCSO, Bhagalpur, in connection with Sabour (Goradih) P.S. Case No. 61 of 2022, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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