

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49463 of 2024

Arising Out of PS. Case No.-155 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. Shankar Mandal @ Shiv Shankar Mandal son of Late Chhoti Lal Mandal @ Late Chhote Lal Mandal Village- Matahi East Tola Ps- Andhara Math Dist- Madhubani
 2. Manoj Kumar Mandal @ Manoj Kumar son of Shankar Mandal @ Shiv Shankar Mandal Village- Matahi East Tola Ps- Andhara Math Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Adv.
For the State	:	Mr. Madan Kumar, APP
For the informant	:	Mr. R. N. Dubey, Adv.
	:	Mr. Prabhakar Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 24-02-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhubani Town P.S. Case No. 155 of 2022 for the offence under Sections 363, 366(A) of the I.P.C. and Section 8/12 of POCSO Act.

3. As per the prosecution story, as contained in the written application of the informant is that his grand daughter was residing at Madhubani along with her uncle. It is further alleged that on 17.07.2021 the accused petitioners along with other co-accused abducted his grand daughter with an intention



to marry her with the accused petitioner Manoj Kumar Mandal.

4. Learned counsel for the petitioners submits the petitioners have never committed any offence as alleged in the FIR, whereas they have falsely been implicated in this case. He also submits that after 9 months of inordinate delay, FIR has been instituted which goes to clear that informant and his family members are consenting party.

5. Learned APP as well as learned counsel for the informant have vehemently opposed the prayer of anticipatory bail.

6. The photocopy of statement of victim Nitu Kumari recorded under Section 164 Cr.P.C. has been received. From perusal of which, it appears that she has stated before ACJM – III that she had gone with Manoj Kumar Mandal on her own will and then she had solemnized marriage with him and also she has been blessed with two children and she wants to live with Manoj Kumar Mandal. At that time her age has been assessed by the concerned Judicial Officer as of 19 years.

7. Keeping in view the aforesaid facts and considering the statement of the victim recorded under Section 164 Cr.P.C., as well as her age at that time, this Court is inclined to enlarge the petitioners on anticipatory bail.



8. Let the petitioners be released on anticipatory bail in the event of arrest or surrender within a period of four weeks from the receipt/production of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge – VI, Cum Special Judge (POCSO Court), Madhubani in connection with Madhubani Town P.S. Case No. 155 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The instant application for anticipatory bail stands allowed.

(S. B. Pd. Singh, J)

prabhakar/-

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