

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65587 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- KAHALGAON District- Bhagalpur

Ramesh Kumar son of Bindeshwari Mandal Village- Pakkisarai, Ps- Ghogha,
Dist- Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pradip Kumar Mandal Son of Late Ramdhari Mandal Village- Pakkisarai,
Ps- Ghogha, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pravina Kumari, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 24-01-2025 Heard Mrs. Pravina Kumari, learned counsel for the

petitioner and the State.

2. The petitioner is in custody in connection with

Kahalgaon (Ghogha) P.S. Case No. 75 of 2024 for the offence

punishable under sections 366(A)/34 of the Indian Penal Code

and Section 12 of the POCSO Act lodged on 31.01.2024 by the

informant, Pradeep Kumar Mandal.

3. As per the prosecution story, the informant alleged

that his minor daughter was induced by the petitioner and taken

for the purpose of marriage. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the

victim was not a minor rather the Medical Board has opined her



age to be 17 to 19 years, upon her production, they were in relationship, the girl himself walked out of the home, once the Police picked up the petitioner and the girl, she recorded her statement under Section 161 and 164 of the Cr.P.C. accepting the fact that she is in relationship with the petitioner. It is her further submission that the girl having been married at a temple to this petitioner, is residing in his house. Further, it is her categorical submission supported through the paragraph-4 of the supplementary-affidavit that she is presently in the house of the petitioner. It is her further submission that in case, the said statement was found to be untrue, if granted relief, the same may seized.

5. Learned APP opposes the prayer for bail submitting that the allegation is that this person took away the minor girl for the purpose of marriage.

6. Earlier, notice was issued to the opposite party no. 2 which according to the office notes has been received by the son and in that background, on 10.01.2025, this Court deemed the said receipt of the notice by the son to have been validly served.

7. Having gone through the facts of the case as also the materials on record and the submission of the learned



counsel for the petitioner that the girl has married and is residing at the house of the petitioner, she has been found to be between 17 to 19 years of age having no criminal antecedent, is in custody since 06.03.2024 (paragraph-2 of the supplementary affidavit), in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. If, however, it is found that the statement regarding the presence of the girl in the house of the petitioner is incorrect, the order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (POCSO) cum 7th Additional District and Sessions Judge, Bhagalpur, in connection with Kahalgaon (Ghogha) P.S. Case No. 75 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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