

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82278 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- DHANKUND District- Banka

Md. Sarfraz Mansuri @ Sanny Mansuri @ Md. Sarfaraj Sanny Mansuri @
Md. Sarfaraj S/o Md. Israil Mansuri R/o Village-Naya Tola Anisabad, P.S.
Dhankund, District Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vibhas Paswan S/o Late Prasadi Paswan R/o vill - Birbalpur, P.S. -
Dhankund, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. Kumar Rajdeep, Advocate
For the Informant/s	:	Mr. Diwakar Yadav, APP
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 30-01-2025 Heard learned counsel for the petitioner; learned counsel
for the informant and Mr. Ram Anurag Singh, learned APP for
the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 363, 366A,
34 of the Indian Penal Code and Sections 8/12 of the POCSO
Act.

3. The case of the prosecution is that the daughter of the
informant namely, Chandni Kumari aged about 17 years went to
ease herself but when she did not return for considerable time,
the informant started searching her. He found that his daughter



has fled away with cash and valuables. On being searched, he came to know that the petitioner has kidnapped her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. During course of investigation, the victim has given her statement under Sections 161 and 164 of the Cr.P.C. In her statement recorded under Section 161 of the Cr.P.C., she has stated that she was having friendship with the petitioner and both were liking each other. She was married to one Suraj Paswan, she had physical relation with Suraj Paswan as well and she has further stated that Suraj Paswan has assaulted her (i.e., wife), she has fled away with the petitioner. In her statement under Section 164 of the Cr.P.C., this victim has narrated entirely different story and stated that the petitioner has kidnapped her and he has raped her. During course of hearing, learned counsel for the petitioner also submitted that the statement of the victim under Section 161 of the Cr.P.C. is the prior statement of the victim whereas the statement under Section 164 was given at belated stage and from perusal of the medical report, it also transpires that on 23.07.2024, the victim was pregnant of 13 weeks 5 days. Admittedly, the occurrence is



of 25.05.2024. It simply means that the victim was pregnant, prior to the occurrence. It is further submitted that the petitioner is languishing in judicial custody since 21.07.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and stated that the statement of the victim recorded under Section 164 of the Cr.P.C. is more reliable.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhankund P.S. Case No. 55 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VIth-cum-Special Judge (POCSO), Banka.

(Ashok Kumar Pandey, J)

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