

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90199 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- SAUR BAZAR District- Saharsa

Vivek Mandal @ Vivek Kumar S/o Ratan Mandal Resident of Village-
Jamunia Rahi Shahpur, P.S.- Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Kamat S/o Late Bholi Kamat R/o vill - Boriya, ward no. 10,
Panchayat Dhabauli South, P.S.- Saur Bazar (Patarghat O.P), Distt.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamal Kishore Singh, Advocate Mr. Anil Kumar, Advocate Mr. Kumar Amand, Advocate
For the Opposite Party/s :		Mr.Kalyan Shankar, APP
For the Informant	:	Mr. Ashish Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of

the informant.

2. In the present case, the petitioner seeks bail in
connection with Special POCSO Case No. 53 of 2024, arising
out of Sour Bazar (Patarghat) P.S. Case No. 145 of 2024,
registered for the alleged offences under Sections 363, 366/34
of the Indian Penal Code and Sections 4, 18 of the POCSO Act.



3. As per prosecution case, the petitioner enticed away the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence of 12.02.2024, the FIR has been lodged on 17.02.2024 and there is no explanation for delay. The victim girl left her house out of her sweet will and she was not kidnapped. The victim girl and her family members refused to allow the medical examination of the victim. The document produced by the informant showing age of the victim girl has not been verified with the admission register of Class-I. After investigation charge sheet has been submitted on 31.03.2024 and the petitioner is in custody since 18.02.2024. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that when the occurrence took place, the victim was merely aged about 12 years. Learned counsel further submits that earlier the petitioner was found talking with the victim girl on the mobile and a panchayati in this regard was also held, still the petitioner enticed away the minor daughter of



the informant and solemnized marriage with her though the petitioner is already married having one daughter.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material showing sexual assault, submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Saharsa/concerned Court in connection with Special POCSO Case No. 53 of 2024, arising out of Sour Bazar (Patarghat) P.S. Case No. 145 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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