

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4743 of 2025

Arising Out of PS. Case No.-338 Year-2025 Thana- PARBATTa District- Khagaria

Dilip Mandal @ Dilip Kumar @ Deelip Mandal Son of Kusheshwar Mandal
@ Kusheshwar Mandal @ Kusho Mandal Resident of Ward No. 09, Parbatta,
P.S. -Parbatta, District- Khagaria, Bihar, India

... .. Appellant/s

Versus

1. The State of Bihar
2. [REDACTED] Resident of Ward No. 14,
Parbatta, P.S. -Parbatta, District- Khagaria, Bihar, India

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shankar Roy, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 13-05-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 17.10.2025 passed by Special Judge, POCSO Act, Khagaria whereby the prayer for bail of the appellant in connection with Parbatta P.S. Case no. 338 of 2025 under Sections 96, 126(2), 115(2), 352, 351(2), 3(5) of BNS and Sections 3(1) (r) and 3(1) (s) of SC/ST Act and Section 8 of the POCSO Act.

3. The case of the respondent is that the appellant has kidnapped the minor daughter of the respondent and kept her for eight to ten days and returned her. Again, he took the daughter



of the respondent and when the respondent went to complain, she was abused with caste name.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has committed no offence. He has further submitted that during course of investigation, the victim has given her statement recorded under section 183 of the BNSS which is there in para-49 of the case diary and from perusal statement of the victim, it is clear that as her mother abused her, she has gone to the house of her friend without telling anyone. After that, she was brought back by her father. Learned counsel for the appellant has further submitted that the statement of the victim goes to show that the allegation as levelled against the appellant under FIR is baseless. Moreover, the appellant is languishing in judicial custody since 09.09.2025 and he is having no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the respondent. Learned counsel for the respondent has conceded to the argument of the learned counsel for the appellant.

6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and the impugned order dated 17.10.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Parbatta P.S. Case No. 338 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the Learned Additional District Judge – VIth, Khagaria.

(Ashok Kumar Pandey, J)

Shubham/-
Sneha/-

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