

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15437 of 2015

Arising Out of PS.Case No. -485 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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1. Amarjet Kumar Mandal @ Amarjeet Kumar Mandal @ Chhaila Son of
Suresh Mandal village Abhiya Bazar P.s- Gopalpur District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-05-2015 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 23.02.2014
in a case registered for the offences punishable under sections 363/365
of the Indian Penal Code and 3(1) (x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities), Act.

It is alleged that daughter of the informant was persuaded
by Chandani Devi, who call her to accompany to her house on
20.11.2014 and, thereafter, the daughter of the informant went traceless.
It is further alleged that the daughter of the informant was kidnapped by
the FIR named persons including the petitioner. In 164 Cr. P.C.
statement the victim has stated that she was kidnapped by petitioner and
Sunil Mandal on 20.11.2014, on a motorcycle and she was kept in
forest for 7 to 8 days. Subsequently, they released her on 29.11.2011.

The victim has also stated that none misbehaved with her.

It is submitted by learned counsel for the petitioner that 164 Cr. P.C. statement suggests that the victim went in the company of Sunil Mandal of her own and medical opinion does not suggest any injury particularly on the private part of the victim. The victim was not recovered by the police rather she claims to have returned of her own.

Considering the unreasonableness of kidnapping, in consistence with 164 Cr. P.C. statement of the victim and statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let he be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Naugachiya, Bhagalpur in connection with Gopalpur P.S. Case No. 485 of 2014

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions or gets substantially involved in some serious nature of offence.

Ashwini/-

(Dinesh Kumar Singh, J)

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