

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46029 of 2014

Arising Out of PS.Case No. -40 Year- 2013 Thana -SHARGHAT District- MADHUBANI

Rambabu Mandal son of Ram Gobind Mandal @ Shivratan Mandal
Resident of Village - Salampur, P.S. Saharghat, District - Madhubani
..... Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate
For the Opposite Party : Mrs. Pronati Singh, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 23-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Rambabu Mandal, in connection with Saharghat Police Station Case No. 40 of 2013 under Section 366A read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including the report of the medical board (Annexure-3), which was constituted to determine the age of the alleged victim girl, and a copy of the order, dated 22.09.2014, passed, in A.B.P. No. 756 of 2013, by the learned 1st Additional Sessions Judge, Madhubani, dismissing the said application for pre-arrest bail.

Heard Mr. Prakash Chandra Jha, learned Counsel for the petitioner, and Mrs. Pronoti Singh, learned Additional Public Prosecutor, appearing on behalf of the State.



In view of the fact that the medical board aforementioned has determined the age of the alleged victim as 17-18 years and no such incriminating material is found against the petitioner, which would warrant his custodial detention and interrogation, this Court is of the view that the petitioner has been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Saharghat Town Police Station, Madhubani. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Saharghat Town Police Station, Madhubani, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Saharghat Town Police Station, Madhubani.

Send also a copy of this order, forthwith, to the Superintendent of Police, Madhubani, by fax.

(I. A. Ansari, J)

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