

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39348 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -KURSELA District- KATIHAR

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Rajeev Kumar Mandal, Son of Dinesh Mandal, Resident of village-
Morsanda, Chandpur, P.S. Kursela, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Manish Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 457, 341, 323, 354, 376/34 of the Indian Penal Code and 4 POCSO Act.

Allegation against the petitioner is that he forcibly took away daughter of the informant. When protest was made, informant and his family members were assaulted.

It has been submitted on behalf of the petitioner that he is in custody since 1.5.2015. Chargesheet has been submitted in the case. He has got no criminal antecedent. There is no allegation of tampering of evidence against the petitioner. The victim girl was examined under Section 161 of the Code of Criminal Procedure. In the said statement, which is para-19 of the case diary, she has admitted that there was love affairs between the petitioner and the victim and she had left with him on her own will. Subsequently, her statement under Section 164 of the Code of Criminal Procedure was recorded where she made allegation of rape . From perusal of the F.I.R. it would appear that earlier the case was

instituted under Section 354 of the Indian Penal Code and later on, on the basis of 164 Cr. P.C. statement Section 376 of the Indian Penal Code was added. There is no allegation of committing offence under Section 376 of the Indian Penal Code in the F.I.R. nor in the 161 Cr. P.C. statement of the victim.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. -I, Katihar , in connection with Kursela P.S. Case no. 33 of 2015 (G.R. no. 759/15)/

(Sudhir Singh, J)

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