

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22318 of 2016

Arising Out of PS.Case No. -385 Year- 2015 Thana -BANKA District- BANKA

Kamal Kumar @ Kamal Kishore Mandal S/o Jai Prakash Mandal, resident
of village - Babhangawan, P.S. - Barahat, District - Banka.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance:

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Binod Kr. 3, APP.

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 05-07-2016 Heard the learned counsel for the petitioner as well
as the learned A.P.P for the State.

The petitioner seeks bail in connection with Banka
(Barahat) P.S. Case No. 385 of 2015 registered for the offence
punishable under Sections 366A/34 of the Indian Penal Code.

Anjali Bharti, the grand daughter of the informant
was, allegedly, kidnapped by the petitioner and Tulsi Kumar.
During investigation, the statement of the victim was recorded
under Section 164 of the Code of Criminal Procedure, wherein she
has stated her age 18 years and the learned Magistrate has also
assessed her age as 18 years wherein she has stated that she went
out of her own sweet will with the petitioner and she performed
marriage with him and at present she is pregnant of more than six

months.

Submission is that no offence as alleged is made out, the victim as per the order of the learned Court below dated 10.02.2016 was directed to live at her choice place and accordingly, she is living in the house of the petitioner with other in-laws, the petitioner, without any fault, is suffering in custody since 31.03.2016 and, as such, now he deserves sympathetic consideration to which the learned APP does not oppose.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 385 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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