

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42852 of 2016

Arising Out of PS.Case No. -293 Year- 2015 Thana -BARHARA District- PURNIA

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Triloki Mandal, Son of late Mahavir Mandal, Resident of Village Hanuman Nagar, P.S. Barhara, (Raghubansh Nagar), District Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party : Smt. Anusuiya Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Barhara P.S Case No. 293 of 2015, registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code.

Allegedly, the minor daughter of the informant became traceless when she has gone to attend the call of nature and it is alleged that unknown person have kidnapped her. During investigation, the victim girl has appeared and she has given her statement under Section 164 of Cr.P.C. wherein she has made allegation of kidnapping against the petitioner and his wife, but has not alleged regarding any sexual assault committed on her.

Submission is of false implication and that the petitioner without any fault is suffering in custody since 20.05.2016. The victim girl has come suo moto to her house on 16.01.2016 and she being tutored falsely alleged against the



petitioner regarding her kidnapping. Medical report also does not support any sexual assault. Subsequently, the victim girl has filed petition supported with affidavit before Additional Special Sessions Judge, Purnea on 12.01.2016 stating that the petitioner and his family members are quite innocent and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. submits that the victim girl has supported regarding her kidnapping by the petitioner, but has not stated regarding any sexual assault committed upon her.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, in connection with Barhara P.S. Case No. 293 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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