

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37688 of 2016

Arising Out of PS.Case No. -302 Year- 2014 Thana -NATHNAGAR District- BHAGALPUR

Binay Mandal Son of Late Triveni Mandal Resident of Village - Biharipur,
P.S. - Nath Nagar (Madhusudanpur), District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party : Mr. Mukeshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 16-11-2016

Heard the counsel for the petitioner and Mr. M.Dayal,
learned APP for the State.

Petitioner prays for anticipatory bail in connection with
Nath-Nagar (Madhusudanpur) P.S.Case No.302 of 2014 registered
under Section 366A of the IPC. The allegation is that sixteen year
old daughter of the informant was kidnapped/abducted by the
petitioner. The victim girl upon retrieval made statement on
09.01.2015 under Section 164 of the Cr.P.C, a copy whereof
placed at Annexure-2 wherein she has stated that on her own she
left the place and married with the petitioner.

From the order of the learned Sessions Judge, Bhagalpur, it
appears that the age of the girl has been assessed between 17 to 19
years. It is submitted that she has attained the age of
understanding. The petitioner accepted that the victim is his
legally wedded wife for which he would file an affidavit in the

court below.

Mr. Dayal, learned APP for the State after going through the case diary submits that the opinion of the medical board has pointed out that the victim girl was found pregnant.

Considering the assessment of the age of the victim girl, and the statement made under Section 164 of the Cr.P.C, this Court is inclined to extend him the privilege of anticipatory bail.

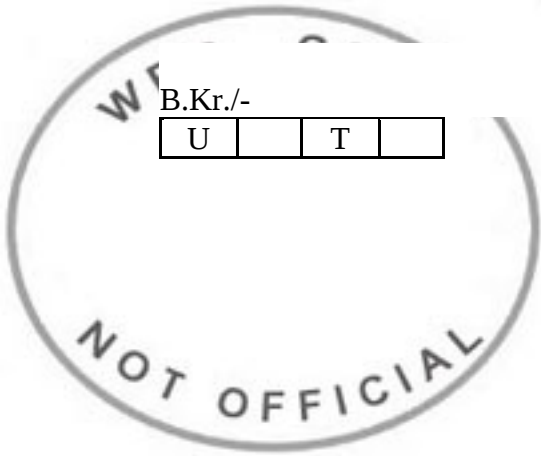
Let the above named petitioner in the event of his arrest or surrender in the court below within a period of four weeks shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, Bhagalpur in connection with Nath-Nagar (Madhusudanpur) P.S.Case No.302 of 2014, subject to the conditions as laid down under Sections 438(2) of the Cr.P.C. subject to the following conditions:

(i) One of the bailors shall be a own/close family member of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Alongwith the bail bond, the petitioner shall furnish

an affidavit that the victim is his legally wedded wife and that he
will take full care of her.



(Kishore Kumar Mandal, J)