

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1156 of 2016

Arising Out of PS.Case No. -167 Year- 2015 Thana -NATHNAGAR District- BHAGALPUR

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1. Ashish Kumar Mandal Son of Sita Ram Mandal
2. Sita Ram Mandal Son of Late Mishra Mandal Both resident of village -
Biharipur, P.S. Nathnagar (Madhusudanpur) in the district of Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashutosh Jha, Advocate
For the State : Mr. Rajendra Nath Jha, Advocate
For the informant : Mr. Ranjan Kumar Jha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 15-01-2016

It is submitted that the petitioner no. 2 Sita Ram Mandal has already been taken in custody. Accordingly, learned counsel for the petitioners does not press this application so far petitioner no. 2 is concerned.

Heard learned counsel for the petitioner no. 1, the State and the informant.

The petitioner no. 1. apprehends his arrest in connection with Madhusudanpur (Nath Nagar) P.S. Case No. 167 of 2015 registered for offences punishable under Section 366A read with Section 34 of the Indian Penal Code.

It is contended on behalf of the petitioner that it appears that the girl and boy eloped at their own will and the



petitioner no. 1 has falsely been implicated in this case. It is contended that it is apparent from the statement of the girl made under Section 164 of the Code of Criminal Procedure that she never raised alarm while being taken out of station by train and, thereafter, she stayed with Kailash Mandal at NOIDA willingly. Thereafter, it appears that, when differences developed between them, the family members have been implicated in this case. It is contended that Kailash Mandal and the father of petitioner no. 1 are already in custody. It is further contended that that there is no active role of the petitioner no. 1 in the occurrence as is apparent from the statement of the girl. That apart, the occurrence is of 4.6.2015, the first information report has been lodged on 22.8.2015.

It is contended on behalf of the informant that petitioner no. 1 also actively participated with the father when vermilion was put on the girl symbolizing marriage and the victim girl was minor at that time. Therefore, there is no question of her consent. However he also admits the fact that co-accused Kailash Mandal who has taken away the girl and lived with her and his father, i.e., petitioner no. 2 have already been arrested.

Per contra, learned counsel for the petitioner submits that the informant does not have any answer as to why the father

would not lodge first information report immediately after his daughter would become traceless and why he will try and seek panchayati for about two months.

Having regard to the facts and circumstances of the case, let the petitioner, namely Ashish Kumar Mandal be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Madhusudanpur (Nath Nagar) P.S. Case No. 167/2015, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

Spd/-

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