

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1548 of 2017

Arising Out of PS.Case No. -86 Year- 2015 Thana -PHULPARAS District- MADHUBANI

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1. Baidhwa Mandal @ Shivshankar Mandal Son of Late Darbari Mandal,
Resident of Village- Godhiyari, P.S.- Phulparas, District- Madhubani.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-07-2017 Heard the parties.

The appellant seeks regular bail in connection with Phulpras P.S.Case No.86 of 2015, registered for offences punishable under Sections 366(A), 376, 120(B) of the Indian Penal Code and Section 3(i)(x) of SC/ST (Prevention of Atrocities Act) Act.

Allegation against the appellant is of kidnapping the minor girl of the informant.

Submission of the learned counsel for the informant is that the girl has not taken his name in her statement recorded under Section 164 Cr.P.C. and further there is delay of more than one month in lodging the F.I.R. in this case and apart from that the allegation of rape has not been corroborated by the medical report



and she has also not stated in her statement under Section 164 Cr.P.C. about allegation of rape. The appellant is in custody for about eight months.

Heard learned Special P.P. also, who has drawn my attention towards para 29 of the case diary, in which the girl has named this petitioner also but he has conceded this fact that in the medical report, the Doctor has not supported the story of rape as no sign of rape has been found and she has also not stated in her statement recorded under Section 164 Cr.P.C. about rape against appellnat.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Ist Additional Sessions Judge, Madhubani in connection with Phupras P.S.Case No.86 of 2015 dated 2.4.2015 after setting aside order dated 4.5.2017 passed by the learned 1st Addl. Sessions Judge, Madhubani In G.R.No.12 of 2015 in Phulpras P.S.Case No.86 of 2015 dated 2.4.2015, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be local person having sufficient immovable property within



the jurisdiction of the concerned Court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall co-operate in the disposal of trial and make himself available as and when required by the court concerned and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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