

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11154 of 2018

Arising Out of PS.Case No. -403 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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Nitish Mandal @ Nitish Kumar Mandal @ Nitish Kumar, S/o Gauri Shankar Mandal, R/o Village- Nasopur, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Sultanganj P.S.**

Case No. 403 of 2017 instituted for the offence under Sections 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that petitioner is brother of Dheeraj Kumar.

The victim girl in her statement recorded under Section 164 Cr. P.C. has stated that she was in love with Dheeraj Kumar.

Learned Sessions Judge has also mentioned in the impugned order that in the statement of victim girl recorded under Section 164 Cr. P.C. she has stated that Dheeraj Kumar kept her in a room and established physical relationship with her. She has levelled general and omnibus allegation against the petitioner that while she had gone to answer call of nature in the orchard, the petitioner along with



Dheeraj had kidnapped her.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Sultanganj P.S. Case No. 403 of 2017**, he 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 **Shri A.K. Srivastava, learned Additional Chief Judicial Magistrate-I, Bhagalpur**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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