

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24377 of 2019

Arising Out of PS. Case No.-123 Year-2016 Thana- BARIYARPUR District- Munger

TINKU MANDAL Son of Shri Mahavir Mandal Resident of Village -
Barailbara, Lohapul, P.S.- Bariyarpur, District - Munger, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyadarshi Matri Sharan

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-07-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 366(A) and 34 IPC registered in connection with
Bariyarpur P.S. Case No. 123 of 2016.

3. It is submitted that the petitioner has been falsely implicated as
evident from the statement of the so-called victim girl recorded under
Section 164 Cr.P.C. wherein she has categorically stated that she had
voluntarily accompanied the petitioner and solemnised marriage with
him. There is delay in institution of the FIR on 17.11.2016 for the
alleged occurrence of 18.09.2016. A statement is made at the Bar that
the Aadhar Card of the so-called victim girl shows that her date of birth
as 01.01.1997 and thereby she was 19 years of age on the date of
occurrence. It is therefore, submitted that the ingredients of Section
366A of IPC are not satisfied. The petitioner claim clean antecedents.

4. Be that it may, in the event of petitioner's arrest or surrender
within four weeks hereof let the above named petitioner be released
on provisional bail on furnishing bail bond of Rs.10,000/- [ten
thousand] with two sureties of like amount each to the satisfaction of
learned ACJM II, Munger in connection with Bariyarpur P.S. Case No.



123 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) The petitioner shall produce the informant's daughter before the learned Court below along with her original Aadhar Card at the time of surrender for verification.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification of the Aadhar Card of the informant's daughter. In case it is found not verifiable his bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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