

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.567 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- DHURAIYA District- Banka

1. Banararsi Mandal @ Banarsi Mandal S/o Kailu Mandal
2. Shyama Devi Wife of Banarsi Mandal
3. Nitya Nand Mandal @ Bechan S/o Banarsi Mandal
4. Rajesh Mandal @ Rajan Mandal Son of Banarsi Mandal All Resident of Village-Joki,P.S.Dhoraiya,Dist.-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 24-04-2019

This application, for grant of anticipatory bail, arises out of Dhoraiya P.S. Case No. 116/2018, disclosing offences under Sections 366(A) of the Indian Penal Code.

Allegation as per F.I.R. is that daughter of the informant has been enticed away by co-accused Arun Mandal and petitioners being father, mother and brothers of said Arun Mandal have assisted them in kidnapping the daughter of the informant.

Submission of learned counsel for the petitioners is that from the F.I.R. itself it is evident that the petitioners are father, mother and brothers of the co-accused Arun Mandal against whom there is allegation of kidnapping the daughter of the informant and they have no role to play in the kidnapping of daughter of informant.

Learned counsel for the State opposed the prayer for



bail and submitted that the witnesses have supported the allegation and the girl is still traceless.

Having heard both sides, considering the fact that petitioner no. 2 is lady, as such, let petitioner no. 2 in the event of her arrest or surrender before the court below within six weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Banka, in connection with Dhoraiya P.S. Case No. 116/2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far other petitioners are concerned, I am not inclined to grant them privilege of anticipatory bail rather they should surrender before the court below and pray for regular bail and if the girl is recovered and her statement is recorded, the court below shall also consider the statement of girl under Section 164 Cr.P.C. and shall pass an appropriate order, without being prejudiced by the order of this Court.

Accordingly this application is disposed of.

(Vinod Kumar Sinha, J)

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