

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1395 of 2019**

Arising Out of PS. Case No.-48 Year-2018 Thana- MAHILA P.S. District- Madhubani

PRASHANT MANDAL @ PRASHANT KUMAR MANDAL, Son of
Harinarayan Mandal @ Haridev Mandal, Resident of Village- Simri, P.S.-
Rajnagar, District- Madhubani.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Subhash Kumar Jha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 24-04-2019

This appeal is for grant of pre-arrest bail to the
appellant against the order dated 5.3.2019 passed by
Additional Sessions Judge-I-cum-Special Judge,
Madhubani, in A.B.P. No. 1587 of 2018 filed by the
appellant, by which learned Special Judge has rejected
prayer for pre-arrest bail of the appellant, who has been
made accused in Mahila P.S.Case No. 48 of 2018,
registered under Sections 376, 506 of the Indian Penal
Code and Sections 3(i)(r)(w) and 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Allegation as per FIR is that the informant was married with Pintu Paswan and when he was residing outside she developed relationship with the appellant and it further appears that on call by the appellant she went to Calcutta along with the appellant and later on when the appellant refused to marry her, the present case has been filed.

Submission of learned counsel for the appellant is that FIR itself shows that informant was aged 26 years and she was a married lady and the whole allegation shows that she was a consensual party and only to create pressure upon the appellant the present false and concocted case has been filed and no case under Section 376 IPC is made out against the appellant.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellant, named above, surrender within a period of six weeks and on surrender he shall 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 the Additional Sessions Judge-I-cum-Special Judge, Madhubani, in connection with Mahila P.S. case No. 48 of 2018, corresponding to G.R.No. 73 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 5.3.2019 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

