

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30283 of 2019

Arising Out of PS. Case No.-542 Year-2012 Thana- SUPAUL District- Supaul

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1. SUSHIL KUMAR MANDAL @ SUSHIL KUMAR Son of Late Shiv Narayan Mandal Resident of Village- Nagar Parishad, Ward No. 01 Supaul, P.S.- Supaul, District- Supaul.
 2. Binod Mandal Son of Jaldhar Mandal Resident of Village- Sukhasan, P.S.- and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 29-08-2019 The petitioner apprehend their arrest in connection with Supaul P. S. Case No. 542 of 2012 registered under Sections 366A of the Indian Penal Code.

Allegation against the petitioners is that petitioners along with other family members abducted the daughter of the informant, aged about 14 years, while she had gone for tuition to the house of the petitioner no. 1 on 24.10.2012.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have not committed any offence in the manner alleged and there was love affair between petitioner no. 1 and the victim girl. He submits that victim girl in her statement recorded under Section 164 Cr.P.C.,



has disclosed that she had not been kidnapped by the petitioner no. 1, though the fact of the matter is that both, petitioner no. 1 and victim girl, have entered into a marriage alliance and referring to para-8 of the application, learned counsel submits that out of their wedlock, petitioner no. 1 and victim girl have children and they are happily living in the State of Punjab, where petitioner no. 1 is employed. Learned counsel referring to a compromise petition entered into between petitioner no. 1 and the victim girl, which is Annexure-2 dated 21.12.2018, submits that both parties have compromised their differences and a joint application has been filed for compromise before the court of learned Sessions Judge, Supaul. Learned counsel submits that though anticipatory bail of the petitioners was earlier rejected by the court below in 2013, but due to subsequent development, which has taken place by virtue of a compromise petition in the year 2018, a second application for anticipatory bail was filed by the petitioners which has been dismissed by the court below without appreciating the facts and circumstances of the case. Learned counsel further submits that petitioner no. 2 is also one of the family members of the petitioner no. 1.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner no. 1 and victim



girl have got married and they are living as husband and wife happily and out of their wedlock, children have also born, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with Supaul P.S.Case No. 542 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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