

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37826 of 2019

Arising Out of PS. Case No.-69 Year-2018 Thana- SHAMBHUGANJ District- Banka

Ghanshyam Mandal Son of Haldhar Mandal Resident of Village - Yogia,
Banjhalia, P.O. - Bharatshila (Banjhalia), P.S. - Shambhuganj, District -
Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections 366A/34 of the Indian Penal Code.

Allegation against the petitioner is of kidnapping the
informant's daughter forcibly from her house.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 21-03-2019. Charge
sheet has already been submitted. Prior to institution of the
present case, Shambhuganj PS Case No. 12 of 2018 was
instituted for the same offence in respect of the same victim, in
which, the petitioner was made accused by the victim, who



happens to be informant of that case. In the present case also, the victim and the informant are the same. In the earlier case, statement of the victim was recorded u/S 164 of Cr.P.C. which is Annexure-2 to the present application. The petitioner was not named in Annexure-2. The custody of the victim girl was given to the informant. After lapse of a period of one and a half month, the present case was instituted by the said informant in respect of the same victim girl. In the present case, the petitioner has been made accused along with other accused persons merely on the basis of evidence that the petitioner was driving the car in which, the victim was being taken away. This evidence has come in the statement of the victim recorded u/S 164 of Cr.P.C in the present case. There is a lot of contradiction in the present case and the earlier case. There is also contradiction in the statements of the victim recorded under Section-164 of Cr.P.C. in this case and in the earlier case. The conduct of the informant and the victim girl apparently appears to be doubtful. The other co-accused with similar allegation have been granted bail by a coordinate bench of this court vide order dated 20-02-2019 passed in Cr. Misc. No. 75033 of 2019.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 69 of 2018.

(Sudhir Singh, J)

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