

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46525 of 2019

Arising Out of P.S. Case No.-35 Year-2019 Thana- DHURAIYA District- Banka

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Badal Mandal, aged about 25 years, Male, Son of Saheb Mandal Resident of Village-Puraychak, P.S.-Dhoraiya, District-Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party : Mr. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-10-2019 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and perused the case diary.

The petitioner is in custody in connection with Dhoraiya P.S.Case No.35 of 2019 registered for an offence under Sections 363, 366(A), 341, 323 and 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, this petitioner is said to have kidnapped the victim for the purpose of marriage. However, during course of investigation, the victim, in her statement under section 164 of the Cr.P.C, has not made allegation of any kind of physical relation or assault by the present petitioner. Moreover, the Court has assessed the age of victim to be about 19 years and she herself stated that she is of 19 years old.



Considering the aforesaid facts and circumstances and the fact that the girl is major and has not alleged any physical assault against the petitioner and petitioner is in custody since 23.02.2019, having no criminal antecedent and chargesheet has already been submitted, 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 learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S.Case No.35 of 2019 (G.R.No.20 of 2019) with following conditions:-

(i) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(ii) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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