

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54409 of 2019

Arising Out of PS. Case No.-190 Year-2019 Thana- MURLIGANJ District- Madhepura

Kamleshwari Mandal age-70 years male S/o Late Nago Mandal, Resident of village- Navtol, P.S.- Murliganj, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nafisuzzoha, Advocate

For the Opposite Party : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363 and 366/34 of the Indian Penal Code registered in connection with Murliganj P.S. Case No. 190 of 2019.

3. It is submitted that the petitioner has been falsely implicated as evident from the statement of the so-called victim girl recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that there was love affair between the victim girl and the main accused Mithilesh Kumar (the son of the petitioner) and she has voluntarily solemnized marriage with him in the temple at Saharsa after fleeing away from her house. There is inordinate delay in instituting the FIR on 04.06.2019 for the alleged occurrence of 15.05.2019. The petitioner has been implicated merely because he happens to be the father of the main accused Mithilesh Kumar. In her statement, she has admitted herself to be of 28 years of age. It is therefore submitted that the ingredients of Section 366 of the IPC are not satisfied. The petitioner claims clean antecedents.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 190 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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