

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61902 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BISFI District- Madhubani

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Mukesh Kumar Mandal @ Mukesh Mandal S/o Late Umesh Mandal R/o
village- Kamtaul, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor on behalf of the State.

The petitioner is in custody since 06.07.2019, in connection with Bisfi P.S. Case No. 46 of 2019 for the offences under Sections 363, 366(A), 372/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR but on the basis of the confessional statement made before police by Ramnath Mahato who is alleged to have kidnapped the daughter of the informant, the petitioner's name has surfaced. It is further submitted that though the girl has taken the name of the petitioner that she was sold to him by Ramnath Mahato, in her statement under Section 164 Cr.P.C., she has not stated him having committed any offence or having assaulted her sexually.



The medical report does not indicate any sexual assault on the victim girl. He further submits that the main accused Ramnath Mahato has since been extended the privilege of bail in Cr.Misc. No. 54252 of 2019 vide order dated 30.08.2019. The petitioner has a clean antecedent.

Considering the aforementioned facts and circumstances and that the petitioner has no criminal antecedent, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benepatti, Madhubani in connection with Bisfi P.S. Case No. 46 of 2019, subject to the following conditions:

1. One of the bailors shall be blood relative of the petitioner.
2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
3. The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



4. 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.

(Anjana Mishra, J)

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