

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18714 of 2020

Arising Out of PS. Case No.-112 Year-2019 Thana- KHUTAUNA District- Madhubani

1. Shiv Narayan Mandal, aged about 25 years, Male, Son of Lalit Mandal @ Lalit Narayan Mandal
 2. Sant Kumar Mandal, aged about 22 years, Male, Son of Binod Mandal
- Both 1 and 2 are resident of Village - Murarpatti, Police Station - Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lakshmindra Kumar Yadav
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Harsh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-06-2020 Heard Mr. Lakshmindra Kumar Yadav, learned counsel for the petitioners, Mr. Harsh Singh, learned counsel appearing for the informant and Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Khutauna P.S. Case No. 112 of 2019 registered for the offence punishable under Section 376/34 of the Indian Penal Code, 1860 and Section 4 of the POCSO Act.

The allegation against the petitioners is that the daughter of the informant was raped by one Basant Kumar Mandal and when the informant went to the house of Basant Kumar Mandal for making complaint, the petitioners and others abused the informant.

Learned counsel for the petitioners submits that



petitioners have not committed any offence in the manner alleged. Learned counsel further submits that from perusal of the First Information Report it would be evident that there is specific allegation of rape against Basant Kumar Mandal. Learned counsel referring to Annexure -2 to this bail application submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. through Special Educator and the victim in her statement has not stated anything against the petitioners. Learned counsel further submits that petitioner no. – 1 is the cousin brother of the main accused - Basant Kumar Mandal and petitioner no. – 2 is the full brother of the said Basant Kumar Mandal. Learned counsel referring to Annexure -3 to this bail application submits that the petitioner no. 2 has also lodged an F.I.R. bearing Khutauna P.S. Case No. 111 of 2019 against the husband of informant and others stating therein that on the date of occurrence i.e. on 24.10.2019 Basant Kumar Mandal was forcibly lifted by the accused persons and was married to the victim girl.

On the other hand, learned counsel for the informant vehemently opposes the prayer for regular bail and submits that petitioners are close relatives of the main accused - Basant Kumar Mandal and they are instrumental in hiding the main



accused -Basant Kumar Mandal, who has not yet surrendered and /or arrested by the Police. Learned counsel further submits that the said main accused has not filed any bail application.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the statement made by the victim girl under Section 164 of the Cr.P.C., I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-1st -cum-Special Judge, Madhubani in connection with Khutauna P.S. Case No. 112 of 2019.

However, S.P., Madhubani is advised to look into the matter and to see that the main accused is brought to the course of justice in accordance with law.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

praful/-

(Anil Kumar Sinha, J)

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