

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1621 of 2020

Arising Out of PS. Case No.-109 Year-2018 Thana- BAJPATTI District- Sitamarhi

BIRENDRA MANDAL, Son of Late Jhapsi Mandal, Resident of Village -
Piprarhi, P.S.- Bajpatti, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 11.02.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in a case registered for the offence punishable under Sections 363, 366A, 341 and 323/34 of the Indian Penal Code and Section 3 (i) (x) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellant has been rejected.

According to the prosecution case, the appellant with the help of his family members abducted the daughter of the informant and when the informant requested to return the girl, they abused him.

Learned counsel for the appellant submits that in view



of statement of the victim girl under Section 164 Cr.P.C., wherein, she has stated that she has married to co-appellant, Bhogendra Mandal, brother of the appellant, and she is living with the co-appellant, Bhogendra Mandal, as husband and wife.

Learned counsel for the State on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties, taking into consideration the materials available on record and the statement under Section 164 Cr.P.C., this appeal is allowed and the impugned order dated 11.02.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the Court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in Bajpatii Police Station Case No. 109 of 2018.

(Prabhat Kumar Singh, J)

Ankit/-

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