

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29141 of 2020**

Arising Out of PS. Case No.-81 Year-2020 Thana- RAJNAGAR District- Madhubani

MITHILESH KUMAR @ MITHILESH KUMAR MANDAL Son of
Rajendra Mandal Resident of Village- Olipur, P.S.- Bhairavasthan, District-
Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sumiran Rai, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Rajnagar P.S. Case No. 81/2020 registered
for the offences punishable under Section 366(A) of the Indian
Penal Code.

The allegation against the petitioner is that he was
trying to take away the daughter of the informant but was
caught by the villagers. It is the submission of learned counsel
for the petitioner that the alleged occurrence is said to have
taken place on 14.03.2020 whereas First Information Report has



been lodged on 15.03.2020. The Victim girl is major and a married girl and now both the parties have entered into a compromise and in this connection even the impugned order takes note of the developments. It is submitted that no doubt the given provision of the I.P.C. is not a compoundable offence but what has been stated in the compromise petition (Annexure '3') which has been filed in the court of learned Additional Chief Judicial Magistrate – 1st Court, Madhubani is a mitigating circumstance and brings down the gravity of the offence alleged and likelihood of conviction.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the kind of submissions of the petitioner and that the petitioner is in jail in connection with this case since 15.03.2020 and otherwise he has no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani, in connection with Rajnagar P.S. Case No. 81/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

