

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86958 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- SAHARGHAT District- Madhubani

KAILASH MANDAL S/o Late Jageshwar Mandal Resident of Village-
Mukhiyapatti, Saharvdoya Tola, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 01-06-2020 The present case was heard on 27.5.2020 and has been directed to be listed for orders today.

The petitioner seeks regular bail in connection with Saharghat P.S. Case No. 96 of 2019 corresponding G.R.No. 653 of 2019 registered for the offence punishable under Sections 363, 366(A), 34 of the Indian Penal Code.

The brief facts of the case according to the prosecution is that on 12.8.2019 at about 7:30 PM. in the evening, the daughter of the informant had gone outside the house for natural call whereupon one Sujit Kumar Mandal along with other co-accused persons had kidnapped the minor daughter of the informant and when she did not come back to the house for a long time, search was made and then it transpired that the said Sujit Kumar Mandal had kidnapped the minor victim girl. The



petitioner is stated to have aided in kidnapping of the minor girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case only on account of being the father of the main accused person, namely, Sujit Kumar Mandal. It is further submitted that the petitioner is having a clean antecedent and he is languishing in custody since 9.9.2019.

Per contra, the learned APP for the State has submitted that the petitioner is named in the FIR, hence, his complicity in the alleged crime cannot be ruled out.

I have heard the learned counsel for the parties, perused the materials on record as also gone through the case diary. Upon a bare perusal of the case diary, there does not seem to be ample material to prima facie suggest the complicity of the petitioner in the alleged crime and it appears that he has been implicated in the present on account of being the father of the main accused, namely, Sujit Kumar Mandal, who is said to have kidnapped the daughter of the informant.

Considering the facts and circumstances of the case as also taking into account the fact that the petitioner is the father of the main accused person, namely, Sujit Kumar Mandal and is aged about 57 years, is languishing in custody since 9.9.2019 as



also is having a clean antecedent, apart from the fact that prima facie no concrete evidence is stated to have been collected by the police upon investigation as against the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail upon him furnishing personal bond to the satisfaction of the learned S.D.J.M., Benipatti, District-Madhubani in connection with Saharghat P.S. Case No. 96 of 2019, corresponding to G.R.No. 653 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned S.D.J.M., Benipatti, District-Madhubani in connection with Saharghat P.S. Case No. 96 of 2019, corresponding G.R.No. 653 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

Taking into account of the fact that neither the victim girl has been recovered nor the main accused namely, Sujit Kumar Mandal has been arrested, the Director General of Police, Bihar, Patna is directed to ensure recovery of the victim girl as also arrest of the aforesaid Sujit Kumar Mandal within two weeks



positively and file a status report before the Registrar General of this Court on or before 15.6.2020.

Let a copy of the present order be transmitted to the Director General of Police, Bihar, Patna by the Registrar General of this Court forthwith.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

