

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39656 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- BARARI District- Katihar

JAGDEO MANDAL @ JAGO MASTER @ JAYDEO KUMAR MANDAL
S/o Narsingh Mandal Resident of Village- Sujapur, Pipra Tola, P.S.- Barari,
Distt- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Annu Kumari W/o Jagdeo Mandal @ Jago master @ Jaydeo Kumar Mandal
D/o Dilip Mandal Resident of Village- Sujapur, P.S.- Barari, Distt- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP
For the Informant	:	Mr. Pravin Chandra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 03-09-2021 Heard Mr. Bhola Prasad, learned Advocate for the petitioner and Mr. Pravin Chandra Prasad for the opposite party no. 2/informant. The State is represented by Mr. Amit Kumar Rakesh, learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Barari P.S. Case No. 23 of 2020 dated 05.02.2020 instituted for the offences under Sections 363, 366(A) and 34 of the Indian Penal Code.

The accusation against the petitioner is of having abducted the opposite party no. 2, who is the



daughter of the informant and is a student of Class-X, for the purpose of marrying.

The major thrust of argument of Mr. Bhola Prasad is that the father of the victim girl, who is the informant of this case, is not happy with her association with the petitioner and therefore has filed this false case. Even the age of the victim girl has wrongly been projected as if she is a minor. The victim has married the petitioner of her own volition after attaining the age of majority and is now residing with him as his legally wedded wife. A child also has been born out of the wedlock.

In support of the aforesaid contention, the child birth certificate also has been brought on record.

Initially, the learned counsel for the informant had questioned the correctness of the statement made by the counsel for the petitioner that the victim is residing as the legally wedded wife of the petitioner. He had informed this Court that the victim is still traceless.



However, that aspect not having been found true, the learned counsel for opposite party no. 2 does not press that stand of the informant.

Considering this aspect of the matter, the petitioner was granted provisional bail by order dated 07.06.2021 and the case diary was called for.

Learned counsel for the informant has brought on record the School Admit Card and other documents to demonstrate that on the date of occurrence, the victim was a minor girl of 16 years of age. The counsel for the petitioner has shown the Aadhar Card where the victim is shown as a major.

The learned counsel for the informant submits that since most of the documents relating to the victim disclose her date of birth to be 15.05.2004 including the Aadhar Card which was prepared at the instance of the informant as the father and the natural guardian of the victim. The other Aadhar Card which is being shown by the petitioner cannot be accepted as a document with



correct entry regarding her date of birth.

Be that as it may, this issue will have to be decided by the court, if the case goes to trial.

This Court has further been informed that the police after investigation did not find the accusation to be true and therefore did not send up the petitioner for facing trial. Differing with the police report, cognizance has been taken against the petitioner.

In view of the aforesaid background facts, the provisional bail granted to the petitioner is hereby confirmed.

The petition stands allowed.

The petitioner shall remain on the same bail bonds.

(Ashutosh Kumar, J)

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