

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6043 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- BABUBARHI District- Madhubani

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RAMSHOBHIT MANDAL SON OF RAM BABU MANDAL RESIDENT
OF VILLAGE- TIRHUTA, P.S. - BABUBARHI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Lallan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Babubarhi P.S. Case No. 181 of 2020 dated 6.07.2020 registered for the offence punishable under Sections 366 (A)/34 of the Indian Penal Code.

As per the prosecution case, as per the written report of the informant *Ram Bilash Sahu*, the petitioner and other co-accused persons are alleged to have kidnapped the daughter (the



victim) of the informant for the purpose of marriage when the victim, aged about 15 years, had gone to ease on 5.07.2020 at 7:30 P.M.. It has been also alleged that when the informant asked about the alleged occurrence from the co-accused persons, then they abused him and drove away as stated therein.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that, as a matter of fact, no occurrence in the manner alleged has ever taken place and the entire prosecution version is fully concocted and fabricated one. He submits that it appears from the perusal of the victim's statement under Section 164 Cr.P.C. that petitioner has not kidnapped the victim and according to present physical and pathological report the board cannot conclude whether sexual harassment has been done or not. He submits that from the perusal of the 164 Cr.P.C. statement, it appears that there is love affair between the petitioner and the victim. No incriminating article has been recovered from his conscious physical possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and as has



been mentioned in Para 3 of the bail application and he is languishing in custody since 07.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Babubarhi P.S. Case No. 181 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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