

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11333 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

Mithun Mandal @ Mithu Kumar @ Mithey , Male, aged about 20 years, S/o
Bhikhari Mandal, Resident of Village - Harinagar, P.S. - Akbarnagar, District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandrasekhar Sharma Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-07-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

2 Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned
counsel for the State

4. The petitioner seeks bail in Akbarnagar PS Case No. 13
of 2020, instituted for the offence under Sections 366, 366A
and 34 of the Indian Penal Code.

5. There is allegation that informant's daughter, who, at
the relevant time, was aged about 16 years had gone for tuition
but did not return. The informant has learnt that the petitioner
and his parents have taken away the informant with an intention
to pressurizing her marriage with the instant petitioner.

6. The learned counsel for the petitioner submits that the
deposition of the alleged victim has been recorded under



Section 164 Cr. PC which is annexed as Annexure 2 to the bail petition, the same belies the prosecution case of forcibly taking away the victim. The Medical Report has opined the age of the victim between 17 to 19 years and the date of birth, on the mark sheet, issued by the Bihar School Examination Board, has been recorded as 26.02.2003. The allegations, therefore, are palpably false. Under such circumstances, the petitioner has been in custody now for a considerable period of time i.e. from 20.03.2020.

7. The learned APP representing the State have opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Sessions Judge-X, Bhagalpur**, in connection with **Akbarnagar PS Case No. 13 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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