

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23230 of 2021

Arising Out of PS. Case No.-786 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. DURI MANDAL @ DHARMENDRA MANDAL @ DHARMENDRA KUMAR MANDAL Son of Late Parsadi Mandal Resident of Village- Bhuwalpur, P.S.- Nathnagar, District- Bhagalpur.
 2. Raju Mandal @ Rajesh Kumar Son of Late Parsadi Mandal Resident of Village- Bhuwalpur, P.S.- Nathnagar, District- Bhagalpur.
 3. Pankaj Kumar @ Pankaj Mandal Son of Late Parsadi Mandal Resident of Village- Bhuwalpur, P.S.- Nathnagar, District- Bhagalpur.
 4. Naresh Mandal Son of Late Shanichar Mandal Resident of Village- Dudhaila, P.S.- Sultanganj, District- Bhagalpur.
 5. Sintu Mandal @ Rajni Kant Raman Son of Sri Naresh Mandal Resident of Village- Dudhaila, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar
2. Sohan Mandal Son of Late Hukal Mandal Resident of Village- Barohiya, P.S.- Budhuchak (Kahalgao), District- Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 28-01-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned APP for the State through video conferencing.

This application is dismissed as withdrawn with regard to the petitioner Nos. 2 & 3 vide order dated 18.11.2021.

The petitioner Nos. 1, 4 and 5 apprehend their arrest in connection with Complaint Case No. 786 of 2019, registered



for the offences punishable under Sections 364 & 365 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the complaint petition has been lodged by Sohan Mandal who is father of Santosh Kumar. As per allegation, his son Santosh Kumar did not return home on 11.05.2019 after getting down from train on Shivnarayanpur railway station and he had firm belief that the petitioners have kidnapped his son to solemnize marriage with the daughter of late Prasadi Mandal.

Learned counsel for the petitioners has drawn my attention towards the S.A. of the complainant that has been recorded on 18.06.2019 and on the query of the Court the complainant has stated that his son Santosh Kumar is in Bhagalpur jail as false case has been lodged against him.

Learned counsel has also drawn my attention towards Annexure-2 i.e. FIR of Sultanganj P.S. Case No. 106 of 2020 lodged by Riya Kumari @ Nidhi Kumari against Santosh Kumar, the son of the informant, and it has been mentioned that Santosh Kumar, after duping her on the pretext of marriage developed sexual relations.

Petitioner No. 1 is brother of Riya Kumari who has lodged the case against Santosh Kumar under section 376 of the



I.P.C.

Riya Kumari lodged that case on 13.05.2019, and after two days the complaint petition was filed by father of Santosh Kumar from which it appears that the present complaint petition has been filed to save the skin from the FIR lodged by Riya Kumari.

Considering the above-mentioned facts and circumstances, let the petitioner Nos. 1, 4 and 5 be released on anticipatory bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M-1st, Class, Bhagalpur in connection with Complaint Case No. 786 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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