

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15384 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- SURSAND District- Sitamarhi

Nirash Mandal, Son of Jinish Mandal, Resident of village - Bhaluahi, P.S.-
Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Virendra Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ganesh Prasad Singh,
learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sursand P.S. Case No. 165 of 2021 for the offence punishable
under Sections 363 and 366A/34 of the Indian Penal Code.

The prosecution story, in brief, is that the minor
daughter of the informant was kidnapped by one Puja Devi,
wife of Ram Pukar Mandal and Raghunandan Mandal and the
petitioner is alleged to have conspired in the said commission of
kidnapping. The victim has not been recovered till date and Puja



Devi and Raghunandan Mandal are still absconding.

Learned counsel appearing on behalf of the petitioner submitted that the alleged incidence of kidnapping of the minor daughter of the informant took place on 21.03.2021 and the F.I.R. was lodged after much delay on 11.04.2021. No explanation has been given for lodging the F.I.R. after such a delay. He further submitted that though the petitioner has been named in the F.I.R., but no overt act of kidnapping has been specifically alleged against him rather the same is against co-accused Puja Devi and Raghunandan Mandal who are still absconding and the victim is also traceless. The petitioner has no connection with said Puja Devi and Raghunandan Mandal and just because he is neighbour and Gotia of those two accused persons, he has been implicated in the present case. The very fact that the petitioner was apprehended from the village also shows that the petitioner was not even aware of the fact that the case of kidnapping has been lodged against him regarding kidnapping of the minor daughter of the informant. Petitioner is an old man aged about 65 years and is in custody since 12.11.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. It is submitted that the victim girl



is traceless and the two accused are still absconding, hence the complicity of the petitioner in the alleged kidnapping of the minor daughter of the informant cannot be ruled out. The allegation is of serious nature and, as such, the petitioner don't deserve to be released on bail.

Having considered the rival submissions of the parties, specific allegation is against two named accused in the F.I.R. who had kidnapped the minor daughter of the informant and the petitioner has been alleged to be the conspirator. Petitioner who is an old man has remained in custody since 12.11.2021, charge sheet has already been submitted against him and the trial is not likely to be concluded soon, the petitioner, above named, is directed to be enlarged on bail 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 A.D.J.-VI cum Special Judge, Sitamarhi in connection with Sursand P.S. Case No. 165 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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