

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18753 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- DHURAIYA District- Banka

Roshan Mandal @ Roshan Kumar Son of Sandeep Mandal Resident of
Village- Chandpur, P.S.- Dhoraiya, District- Banka, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-12-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.11, at page no.5, of the bail petition, inadvertently, date of custody has been wrongly typed as '18.02.20222' instead of '18.02.2022' and in paragraph no.5, at page no.2, of the supplementary affidavit, inadvertently, date of date of occurrence has been wrongly typed as '03.12.2022' instead of '03.12.2021'.

Accordingly, learned counsel for the petitioner is permitted to make necessary corrections during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.



The petitioner seeks bail in connection with Dhoraiya P.S. Case No. 311 of 2021 registered for the offence under Sections 366 and 34 of Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 18.02.2022.

The allegation against the petitioner is to kidnap the daughter of the informant for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated in the present case falsely out of failed love affair. It is submitted that victim was major at the time of occurrence. Learned counsel further pointed out paragraph no.40 of the case diary, which suggest, that victim solemnized her marriage with the petitioner out of her own sweet will. It is also submitted that there is no allegation, as regard to sexual assault, as per the statement of victim recorded u/s 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.



In view of the facts and circumstances, as mentioned above, as victim negate the allegation of kidnapping and sexual assault against this petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dhoraiya P.S. Case No. 311 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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