

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38199 of 2021**

Arising Out of PS. Case No.-14 Year-2021 Thana- SHAHKUND District- Bhagalpur

Gautam Mandal @ Gautam Kumar Son of Ram Swaroop Mandal Resident of
Village - Janipur, P.S. - Sahkund, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 06-01-2022 Heard learned counsel for the petitioner and Shri Chandra Bhushan Prasad, learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Sahkund P.S. Case No. 14 of 2021 instituted for the offences under Sections 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.01.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that allegation as alleged in the F.I.R. is that the accused persons helped the daughter of the informant in fleeing with the accused, Kanhaiya Lal Mandal and she also took articles worth Rs. 50,000/- from her house.



Learned counsel for the petitioner submits that as per the F.I.R. it would manifest that the allegation against the petitioner is of helping the daughter of the informant in fleeing with Kanhaiya Lal Mandal. The F.I.R. also discloses that while fleeing, the daughter also took away with her gold, silver and Rs. 50,000/- thus it is submitted that the girl on her own volition fled with Kanhaiya Lal Mandal and the petitioner came to be implicated as his mother had instituted Sahkund P.S. Case No. 81 of 2011 under Sections 321, 342, 323, 364 and 34 of the I.P.C. against the father of the present informant in which the informant was pressurizing the mother of this petitioner to enter into a compromise and when she did not relent, the present false case came to be instituted.

Based on the submissions made by the learned counsel for the petitioner, by order dated 13.12.2021, the Senior Superintendent of Police, Bhagalpur was directed to file a counter affidavit clearly stating what steps have been taken to recover the girl and what is the basis of filing the charge-sheet holding the petitioner to be responsible for committing the crime.

Shri Chandra Bhushan Prasad, learned A.P.P. for the State submits that a counter affidavit has been filed on



05.01.2022 online and he further submits that from perusal of the counter affidavit it would manifest that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has not supported the prosecution story and has stated that she has married Kanhaiya Lal Mandal and does not want to go with her parents. Learned A.P.P. further submits that in the counter affidavit it has also come that the victim's date of birth is 04.03.2007 as per School Leaving Certificate.

Learned counsel for the petitioner submits that admittedly the girl in her statement under Section 164 Cr.P.C. has stated that she has married Kanhaiya Lal Mandal and does not cast any aspersion on the petitioner. Further, learned counsel disputes the contention raised by the learned A.P.P. for the State by submitting that the date of birth is not as per School Leaving Certificate but the Headmaster of the School has given a certificate stating that as per school register, the date of birth of the victim is 04.03.2007.

Considering the fact that the petitioner is in custody since 30.01.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two



sureties of the like amount each to the satisfaction of learned
A.C.J.M.-II, Bhagalpur in connection with Sahkund P.S. Case
No. 14 of 2021.

(Satyavrat Verma, J)

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