

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28903 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Duryodhan Kumar Mandal, Son of Subhash Kumar Mandal, Resident of
Village - Sarauni Bazar, Police Station - Godda (M), District - Godda
(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with G.R.P. Sugauli P.S. Case No. 09 of 2021
registered for the alleged offences under Sections 370 and 34 of
the Indian Penal Code and Section 79 of the Juvenile Justice
(Care and Protection of Children) Act.

As per prosecution case, three minor girls were
recovered at Sugauli Railway Station and they disclosed the
names of other co-accused persons who engaged them for dance



in orchestra groups of theirs for some payment. One of them alleged rape was committed with her by an unknown person. The name of the petitioner came up as a person who used to transport them from one place to other as an escort.

The learned counsel for the petitioner submits that there is no specific allegation of any wrong doing against this petitioner. The petitioner was caught from the railway station while he was taking away the girls to their destination and no case for any of the offence under IPC, POCSO Act or J.J. Act is made out against him. Even the victim girls did not name the petitioner for any illegal activity. The allegation of rape is against unknown co-accused and for the same, co-accused Vinod Prasad Kushwaha was named for helping the said person. The petitioner is in custody since 29.06.2022¹ and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was also involved along with other co-accused persons in their wrongful act.

Having regard to the submissions made hereinabove and considering the fact that the allegation against the petitioner appears to be innocuous and absence of material to show the involvement of this petitioner in illegal activities and further considering the clean antecedent of the petitioner and



submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial, Bettiah, District- West Champaran in connection with G.R.P. Sugauli P.S. Case No. 09 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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