

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47017 of 2021

Arising Out of PS. Case No.-265 Year-2021 Thana- BANKA District- Banka

Mithu Mandal Son Of Ashok Mandal Resident Of Village- Riga, P.S. And District- Banka.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Banka
P. S. Case No.265 of 2021, instituted for the offences under
Section 366(A)/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 03.05.2021, he is a person
with clean antecedent and charge-sheet has been submitted
in the case.

Allegation is of kidnapping the minor daughter of
the informant by the petitioner and the Raghaw Kumar.

The learned counsel for the petitioner submits that
the statement of the victim was recorded under Section 164



of the Cr.P.C. wherein she disclosed her age as 17 years and does not even remotely support the prosecution case rather states that she left her house and went to her sister's place at Rajaun as her mother used to thrash her for not studying and threatened that she will get her married and the victim did not want to get married.

The learned counsel for the petitioner submits that it does not stand to reason how the bail of this petitioner was rejected by the learned Court below when the victim in her statement under Section 164 of the Cr.P.C. has not even remotely supported the prosecution case.

The learned A.P.P. for the State fairly submits that since the victim in her statement recorded under Section 164 of the Cr.P.C. does not even support the prosecution case, as such, it is difficult to oppose the bail application.

Considering the fact that the petitioner is in custody since 03.05.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial
Magistrate, Banka in connection with Banka P. S. Case
No.265 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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