

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51647 of 2021

Arising Out of PS. Case No.-288 Year-2021 Thana- SHERGHATI District- Gaya

Ravindra Mandal, Son of Late Kapil Mandal @ Kapil Yadav, Resident of
Village- Hananganj, Police Station- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kuamr No.2, Advocate
		Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Abhash Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Manish Kumar No.2, learned counsel appearing on behalf of the petitioner, Mr. Abhash Chandra, learned counsel for the informant and Mr. Satyendra Narayan Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sherghati P.S. Case No. 288 of 2021 registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code.

As per the prosecution case, it is alleged that on 26.05.2021 at about 10.00 P.M. in absence of the informant and his family members, the petitioner abducted his daughter, who is



said to be aged about 15 years.

Learned counsel appearing on behalf of the petitioner submits that with regard to an occurrence, which is said to have taken place on 26.05.2021, the present F.I.R. has been instituted on 29.05.2021. However, when the fact regarding institution of the present case came to the knowledge of the victim, she appeared before the police and her statement has been recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she voluntarily left her house and went to the house of her maternal grand-mother and this petitioner has only accompanied her in the way. It is next submitted that the statement of the victim was recorded before the police as well as before the Court, but she has not stated anything against this petitioner. It is next submitted that the victim was also medically examined and her age has been assessed in between 17-18 years. It is further submitted that taking into the aforesaid materials, the police has also submitted Final Form showing the petitioner as innocent however, differing with the Final Form, the Court has taken cognizance for the offences and moreover the petitioner is in custody since 03.06.2021, having fair antecedent.

On the other hand, learned counsel for the informant



vehemently opposes the bail application and submits that the affidavit has been sworn by the mother of the petitioner, who has been made accused in this case and secondly the two bail applications have been filed on behalf of the petitioner. It is also submitted that the victim and the petitioner were apprehended by the police at Sherghati Bus Stand.

In response to the aforesaid submission, learned counsel for the petitioner submits that in fact the police has submitted Final Form showing the mother of the petitioner as innocent and till date the court has not taken cognizance and in such circumstances, the deponent has sworn affidavit. It is further submitted that so far the another bail application is concerned that has been filed by one another lawyer, but having come to know about the present bail application, the same has been withdrawn at the initial stage itself.

Having regard to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C., as also the fact that Final Form was submitted showing the petitioner as innocent and differing with the Final form, the Court has taken cognizance against the petitioner and the petitioner is in custody since 03.06.2021, let the petitioner, named above, be released on bail



on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati P.S. Case No. 288 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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