

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51054 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- PUNAURA District- Sitamarhi

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SACHIN MANDAL, S/o BINOD MANDAL, R/o VILLAGE-NAYA TOLA,
WARD No. 01, JANKI PLACE RIGA, P.S AND DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUNIL THAKUR S/o LATE BISHWANATH THAKUR R/o VILLAGE-KHAIRWA, P.S-PUNAURA, DISTRICT-SITAMARHI.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard the learned counsel for the petitioner and the

learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Punaura
P.S. Case No. 09 of 2021, instituted for the offences under
Sections 363, 366A/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.07.2021, he is a person with
clean antecedent, charge-sheet has been submitted in this case.

The learned counsel for the petitioner further submits
that the informant alleges that on 04.01.2021, his minor
daughter on 31.12.2020 went missing and the informant was
informed about the same by his mother, accordingly, he came
home and called on the mobile on his daughter which was



responded by the petitioner who disclosed that he has kidnapped his daughter and will sell her and also that he got Rs. 65,000/- and jewellery worth Rs. 1,50,000/- to 2,00,000/- from the victim and will destroy the informant by fighting case from the said money, it is further alleged that when the informant searched in the house, he found the money and jewellery missing and thus went to the house of the petitioner where his parents abused him and said that the petitioner after marrying with the victim will use her as a professional.

The learned counsel for the petitioner submits that the learned Court below in a very casual manner has rejected the bail without realizing that a young life which is yet to blossom gets implicated in a false case of kidnapping. The learned counsel submits that the date of birth of the victim is 22.01.2003, in support of which Annexure-4 has been annexed. It is further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. completely negates the prosecution case, further, the informant has filed an affidavit in the learned Court below that the case was instituted by mistake and the victim be permitted to go to her in-laws place and that she is carrying pregnancy of three months. The learned counsel submits that from the submissions made hereinabove, it is clear



that the informant in haste instituted the present false case knowing very well that the victim had nearly attained the age of majority and had eloped with the petitioner and married but still he instituted the case and this fact also get corroborated from the fact that the daughter went missing on 31.12.2020 and the FIR came to be instituted on 04.01.2021 and also that the victim in her statement u/s 164 Cr.P.C. did not support the prosecution case.

Learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 16.07.2021, he is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions made by learned counsel for the petitioner, 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, Sitamarhi, in connection with Punaura P.S. Case No. 09 of 2021.

The application stands allowed.

sanjeev/-

(Satyavrat Verma, J)

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