

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57858 of 2021

Arising Out of PS. Case No.-347 Year-2020 Thana- SURSAND District- Sitamarhi

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Dukhharan Mandal @ Dukharan Mandal @ Dukh Haran Mandal, S/O Vipati Mandal, R/o village- Hanuman Nagar, Brahmsthan Tole, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-09-2022 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. Ashhar Mustafa, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sursand P.S. Case No. 347 of 2020 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 29.10.2020 at around 8.00 P.M. when the daughter of the informant went to attend nature's call, in the meantime, all the F.I.R. named accused persons including the petitioner forcibly



kidnapped her and taken away. It is further alleged that the informant resides at Delhi and when he came to know about the incidence, he came to the village and went to the house of the accused persons and asked about the whereabouts of his daughter, thereupon they abused and assaulted him.

Learned counsel appearing on behalf of the petitioner submits that the daughter of the informant and son of the petitioner had love affairs, but due to difference of his caste, their relation was not accepted and, as such, the girl might have been left her home without giving any information to her family. He next submits that with regard to an occurrence, which took place on 29.10.2020, the F.I.R. has been instituted on 09.11.2020 and no plausible explanation has been narrated. He next submits that the petitioner happens to be the father of Chandan Kumar with whom the girl had affairs and since both of them found trace less, the name of the petitioner has been implicated with a concocted story of kidnapping, in fact, no such occurrence has taken place. He also submits that later on after some considerable time, the victim herself returned and she has been produced before the Court by the investigating officer on 26.08.2022 and her statement was recorded under Section 164 of the Cr.P.C. and as per his instruction the victim has not



made any allegation of involvement of this petitioner. In support of his submission, he produced the photo copy of the certified copy of the order sheets, which have been kept on record. He lastly submits that the petitioner being unfortunate father of the co-accused Chandan Kumar, having fair antecedent, is in custody since 06.08.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that from the F.I.R. it would be evident that the petitioner has actively participated in kidnapping of the victim.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be the father of co-accused Chandan Kuamr, having fair antecedent, is in custody since 06.08.2021, and moreover the victim has appeared and after recording her statement under Section 164 of the Cr.P.C. she has been handed over to her mother, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum Special Judge, Sitamarhi in connection with Sursand P.S. Case No. 347 of 2020, 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 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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