

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15070 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Subash Mandal @ Subash Singh @ Subhash Singh S/O Late Hiralal R/V-
Dighhi, P.S.- Nathnagar (Madhusudanpur), District- Bhagalpur
2. Manish Kumar S/O Subash Mandal @ Subash Singh @ Subhash Singh R/V-
Dighhi, P.S.- Nathnagar (madhusudanpur), District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners are apprehending their arrest in connection with Nathnagar PS Case No. 392 of 2022, dated 09-06-2022, registered for the offence punishable under Sections 367,379,341,342 and 323/34 of the Indian Penal Code.

It is the prosecution case that the informant was kidnapped. The instant petitioners along with one co-accused namely, Chotu Kumar has been implicated by name in the



alleged offence of kidnapping, assault and snatching of some money.

Learned counsel for the petitioners submits that petitioner no. 1 is the informant of Nathnagar Madhusudanpur P.S. Case No. 317 of 2020, which was instituted since the informant of the instant case had taken away his minor daughter. The instant informant was the prime accused in said the case and the statement of the victim girl was recorded in that case on 12-05-2022. The same has precipitated the instant false case on 09-06-2022, wherein, the petitioners, who are father of the victim as well as brother of the victim of Nathnagar Madhusudanpur P.S. Case No. 317 of 2020, have been implicated. The false implication is evident from the above narrated events. The petitioners are also having no criminal antecedents. It is under such circumstances, that they apprehend their arrest.

The learned APP for the State has opposed the prayer for bail. It is submitted that petitioners are named accused persons by the informant, who is the victim of the offence of kidnapping.

Considering the rival submissions, the fact that the present informant is the prime accused of Nathnagar Madhusudanpur P. S. Case No. 317 of 2020 corroborated by



statement of the petitioner No. 1's daughter recorded under Section 164 Cr.P.C., the submission of the false implication and clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Bhagalpur, in connection with Nathnagar PS Case No. 392 of 2022, dated 09-06-2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive



dates, their bail bond will be liable to
be cancelled.

(Madhuresh Prasad, J)

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