

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18630 of 2023

Arising Out of PS. Case No.-267 Year-2020 Thana- KHARHAGPUR District- Munger

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Deepak Mandal Son of Jawahar Mandal R/O Village- Bageshwari, P.S.-
Kharagpur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari D/O Chnadra Shekhar Mandal R/O Village- Bageshwari,
P.S.- Kharagpur, District- Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-05-2023 So far the objection raised by the office that the

notice issued under ordinary process returned unserved while

the notice issued under the registered cover has been received is

overruled and the matter is ready for hearing.

2. Heard the learned counsels for the parties.

3. The petitioner seeks regular bail in connection with

Kharagpur P.S.Case No.267 of 2020 corresponding to Sessions

Trial No.212 of 2021 for the offences punishable under Sections

376, 420, 120(B), 323, 504/34 of the Indian Penal Code.

4. Learned counsel appearing on behalf of the

petitioner informs this Court that the present bail application has

been filed for grant of regular bail to the petitioner after

rejection of the earlier bail application, vide order dated

31.03.2022 passed in Cr. Misc. No.39121 of 2021.

5. Learned counsel submits that the substantial



change appears in the present case from the statement of Pinku Mandal. According to Opposite Party no.2 (complainant), she had married with Pinku Mandal but the allegation made by the O.P.no.2 can not be sustained taking into consideration that the said Pinku Mandal has denied the factum of marriage with the informant (O.P.no.2). Limited submission of the learned counsel is that only factum of marriage is demolished.

6. Allegation against the petitioner is that on the pretext of restitution of marriage of O.P.no.2 with said Pinku Mandal, he deceived O.P.no.2 and committed rape upon her.

7. Learned APP has opposed the prayer for grant of regular bail to the petitioner.

8. Considering the aforesaid fact as well as the statement of Pinku Mandal, which has been brought on record of the present bail application, it appears that on 18th January, 2023, Pinku Mandal had made declaration on oath before the Additional Sessions Judge -1, Munger that he is not anywhere connected with the O.P.no.2 and he had never married with the O.P.no.2. Petitioner is in custody since 23.12.2020. The trial is also not likely to be concluded in the near future. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist, Munger in connection with Kharagpur P.S.Case No.267 of 2020 corresponding to Sessions Trial No.212 of 2021, subject to the following conditions:-

- (I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court concerned.
- (III) If the petitioner tampers with the evidence or the witnesses of the case, the prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (IV) If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bond.
- (V) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.
- (VI) The petitioner will make his attendance before the concerned police station under which his house is located every week at 9:00 AM on Tuesday till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bond shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, Munger.

(Purnendu Singh, J)

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