

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31599 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- FORBESGANJ District- Araria

Surendra Mandal @ Surendra Kumar Mandal Maheshi Mandal Son of
Maheshi Mandal Resident of Village-Khamkhaul, Ward No-01, Amhara, Ps-
Forbesganj, Dist-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Forbesganj P.S. Case No. 138 of 2023 registered for the offence
under Sections 363, 366-A/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.02.2023.

The allegation against this petitioner is to help his
brother co-accused, namely, Birendra Mandal in kidnapping the
minor daughter of informant aged about 14 years for the
purpose of illicit intercourse/marriage.



Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation, as to kidnap the minor daughter of informant, is available against co-accused, namely, Birendra Mandal and implication of this petitioner is only for the reason that he is brother of main co-accused. It is submitted that the allegation as per the narration of F.I.R. is limited against this petitioner to abuse informant when occurrence was reported to him and other family members. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the thrust of allegation as regard to kidnapping is available against main co-accused Birendra Mandal, where implication of this petitioner only appears for the reason that he is the brother of main co-accused coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 24.02.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Forbesganj P.S. Case No. 138 of 2023 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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