

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34857 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SULTANGANJ District- Bhagalpur

BINOD MANDAL Son of Chandardev Mandal @ Chandradev Mandal @
Chandar Mandal RESIDENT OF VILLAGE KAMARGANJ PS
SULTANGANJ DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sultanganj P.S. Case No. 88 of 2023 for the offence punishable under Sections 455, 341, 323, 354, 376/511 of the Indian Penal Code lodged on 10.2.2023 by the informant, Soni Devi.

As per the prosecution story, the allegation is that the petitioner entered her house and finding her alone started teasing her as also resorted to dirty talks. Further, he tried to outrage her modesty and upon alarm, she was also assaulted. This resulted into injury near her nose and later, the petitioner escaped, followed by the FIR.

In this case, the earlier bench had called for the case



diary on 24.6.2023 which has since been received.

Learned counsel for the petitioner in support of his case that no such occurrence took place and she has levelled allegation against him, has taken this Court to the statement recorded by the police in course of the investigation particularly paragraphs 27, 28 and 29 by Prem Kumar Bharti, Rajesh Kumar Mandal and Subhas Chandra Singh respectively.

The sum and substance of the said statements is/are that the victim girl was sitting fully clothed outside her house and was in hot discussion with the present petitioner. Further, the petitioner abused the girl and when she tried to leave the place, he used the stick on her face which caused injury near her eyes. Thereafter, the petitioner escaped.

It is the case of the petitioner that from the said statement of the witnesses, it is clear that the lady has exaggerated her allegation in the FIR. It is his further submission that he is in custody since 10.3.2023 (para-12 of the petition).

The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the victim through Demand Draft issued by the local State Bank of India branch to be



submitted before the 'NAZARAT' of the concerned Court to be handed over to the victim after checking the credential.

Learned APP opposes the prayer for bail but concedes that the independent witnesses have narrated the prosecution story otherwise.

Taking into account the submission put forward by the rival parties, the statement of the witnesses as have been incorporated in the case diary, as stated above, his period of custody, he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of Local SBI to be submitted to the trial Court and handed over to the victim after checking credentials.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st at Bhagalpur, in connection with Sultanganj P.S. Case No. 88 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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