

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42931 of 2022

Arising Out of PS. Case No.-290 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Mahesh Mandal, Son of Late Rudal Mandal @ Rudal Mahto, R/O Village-
Govind Bigha, Damodarpur, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 178 of 2022, arising out of Lakhisarai P.S. Case No. 290 of 2022, registered for the alleged offences under Section 363, 366 (A), 120 (B) and 34 of the Indian Penal Code.

As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner and other co-accused persons with an intention of marriage.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no role in the kidnapping of the daughter of the informant. Prior to this incident, the brother of



the petitioner was murdered for which Lakhisarai Ram Nagar P.S. Case No. 161 of 2020 was registered by the sister-in-law of the petitioner against the informant's side and the petitioner is one of the witnesses. For this reason, the petitioner has been named in this case. The learned counsel further submits that the informant has given two mobile numbers and the said numbers do not belong to this petitioner. The learned counsel further submits that in fact the co-accused Sujeet Kumar has solemnized marriage with the daughter of the informant and the mobile numbers probably belong to him. The learned counsel further submits that there is inordinate delay in lodging the FIR and the same has not been explained. The witnesses are all interested witnesses and they have falsely named the petitioner. The charges have been framed in this case. The petitioner is in custody since 14.04.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons kidnapped the minor daughter of the informant and the victim girl has not been recovered till date.

Having regard to the submissions made hereinabove and considering the fact that there appears possibility of false implication of the petitioner and further considering the framing



of charge and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Sessions Trial No. 178 of 2022, arising out of Lakhisarai P.S. Case No. 290 of 2022, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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