

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62288 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- NIRMALI District- Supaul

1. Radhey Shyam Mandal Son of Bhola Mandal R/o vill - Dudhaila, P.S. - Nirmali, Distt. - Supaul
2. Tileshwar Mandal Son of Bhola Mandal R/o vill - Dudhaila, P.S. - Nirmali, Distt. - Supaul
3. Yashoda Devi Wife of Radhey Shyam Mandal R/o vill - Dudhaila, P.S. - Nirmali, Distt. - Supaul
4. Mahiwati Devi Wife of Bhola Mandal R/o vill - Dudhaila, P.S. - Nirmali, Distt. - Supaul
5. Nirmala Devi Wife of Tileshwar Mandal R/o vill - Dudhaila, P.S. - Nirmali, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Nirmali P.S. Case No. 15 of 2023 dated 02.02.2023 instituted
for the offence punishable under Sections 363, 366(A)/34 of the
Indian Penal Code.

3. The allegation against the petitioners and other co-
accused persons is that they have kidnapped the daughter of the
informant with the intention to marry or for any other mal



purpose.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that co-accused, namely, Om Prakash Mandal is the main culprit in this case. Learned counsel for the petitioners submits that petitioner no. 1 is the father, petitioner no. 2 is the uncle, petitioner no. 3 is the mother, petitioner no. 4 is the grandmother and petitioner no. 5 is the aunt of the said Om Prakash Mandal. Learned counsel for the petitioners further submits that victim is major and she has denied her abduction by the petitioners, rather, she went on her own sweet will with Om Prakash Mandal and solemnized marriage with him. It is also submitted that the victim also wants to live with her husband and his maternal uncle. This fact has been mentioned in order dated 15.07.2023 passed by the lower court. Learned counsel for the petitioners submits that learned Magistrate, on the basis of her matriculation certificate, has recorded the age of the victim as more than 18 years. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Nirmali P.S. Case No. 15 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO Court, Supaul subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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