

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77583 of 2023**

Arising Out of PS. Case No.-219 Year-2017 Thana- LADANIA District- Madhubani

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PRAKASH MANDAL @ PRAKASH KUMAR MANDAL SON OF RAM
NARAYAN MANDAL RESIDENT OF VILLAGE- PIPRAHI, P.S.-
LADANIYA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

- 2 12-12-2023 Learned counsel for the petitioner submits that the office has pointed out that the petitioner has criminal antecedent on the basis of the impugned order but the petitioner has no criminal antecedent, as such he has not mentioned the same in para-3 of this application.
2. In that view of the matter, the defect pointed out by the office is ignored.
3. Heard learned counsel for the petitioner and learned A.P.P. for the State.
4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A & 506/34 of the Indian Penal Code and under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.



5. The petitioner along with other co-accused is said to have kidnapped the minor daughter of the informant while she was going to Piprahi Chowk with the intention to solemnize marriage with the petitioner

6. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. There is no eye-witness of the occurrence. It is further submitted that the victim girl in her statement made under Section 164 Cr.P.C. has not alleged about abduction or any allurement by the petitioner. It is further submitted that from perusal of the statement of the victim girl made under Section 164 Cr.P.C., it appears that there is love affairs between the petitioner and the victim girl but the parents of the victim girl does not want to solemnize marriage with the petitioner, hence this false and concocted story has been planted. It is further submitted that victim girl is not minor rather major and the medical board has determined her age to be 19 years. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Ladaniya P.S. Case No. 219 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. The learned court below is directed to verify the criminal antecedent of the petitioner before accepting his bail bond and if it is found that petitioner has criminal antecedent before lodging the present case then his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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