

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66670 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

Chandrashekhar Mandal, Son of Kailash Mandal, Resident of village -
Satpraiya, P.S.- Shakund, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Pankaj Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bhagalpur Mahila P.S. Case No. 16 of 2022
registered for the offence punishable under Sections 376, 504,
506 / 34 of the Indian Penal Code.

It is alleged that on the pretext of marriage the victim
was subjected to sexual exploitation at the hands of the
petitioner for the last three years and when the victim
pressurized to solemnize marriage, he refused and threatened
with dire consequences.

Learned counsel appearing on behalf of the petitioner
submits that from the FIR it would be evident that the



relationship appears to be consensual in nature, as for the last three years both the parties were in relationship and when on account of some reason it could not be finalized to a marriage, the present case has been instituted only with a view to pressurize the petitioner. Further submissions has been made that the victim is a major and more so, there is a huge delay in lodging of the FIR, apart from the fact that the petitioner having fair antecedent is in custody since 21.07.2022. He lastly submits that now the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witnesses.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific allegation of sexual exploitation has been made against the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the materials available on record suggests that the relationship was a consensual relationship, coupled with the period of custody and the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Srimati Shweta Singh learned Judicial Magistrate 1st Class, Bhagalpur in connection with



Bhagalpur Mahila P.S. Case No. 16 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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