

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65949 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- LAUKAHI District- Madhubani

Shree Prasad Mandal Son of Late Khakhi Mandal R/V- Kudivan, Ward No. 2,
P.S- Laukahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Laukahi
P.S. Case No.30 of 2021 registered for the offence under
Sections 363, 366 (A), 341, 323, 504 and 34 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 28.07.2022.

The allegation against the petitioner is to kidnap the
minor daughter of informant aged about 15 years alongwith
other co-accused persons/family members for the purpose of
illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in the



present case only being the brother of main co-accused namely Bhagwan Prasad Mandal. It is pointed out that victim girl was in love affairs with the brother of petitioner, who solemnized their marriage out of their own sweet will and living happily. A reliance was made upon Annexure No.2 of the main bail petition, which is the marriage registration certificate issued by the Marriage Registrar, Ghaziabad, Uttar Pradesh. It is submitted that victim supported the factum of marriage out of her own sweet will with petitioner in her statement recorded under Section 164 of the Cr.P.C. denying thereof any allegation of kidnapping. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and as implication is only being the brother of the main co-accused, where no incriminating stated by the victim while recording her statement under Section 164 of the Cr.P.C. against this petitioner coupled with the fact that charge-sheet has



already been submitted, let above named petitioner is directed to be released on bail in connection with Laukahi P.S. Case No.30 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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