

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72519 of 2023

Arising Out of PS. Case No.-506 Year-2023 Thana- FORBESGANJ District- Araria

Sushil Mandal @ Sushil Kumar Mandal S/O Sanjay Mandal Resident At
Village- Vishanpur, Dholbajja, Ward No. 07, Ps. Farbesganj, Dist. Araria
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha
For the State	:	Mr. Jagdhar Prasad
For the Informant	:	Mr. Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioner apprehends his arrest in Forbesganj P.S. Case No. 506 of 2023 registered for the offences punishable under Sections 363, 366(A), 354(D), 372, 373 of the Indian Penal Code and Section 4 of the POCSO Act, pending in the Court of learned Additional Sessions Judge-VI-cum-Spl. POCSO Court, Araria.

3. The allegation against the petitioner is that he along with other co-accused persons have kidnapped the victim with malafide intention.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the



petitioner has brought the victim from Forbesganj to Patna in a bus and on the way the victim did not raise even a single noise. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for anticipatory bail and submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent.

Anjani Kumar Sharan, J)

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