

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71742 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- PALASI District- Araria

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BABLU MANDAL @ BABLU KUMAR S/O ANANDI MANDAL @
ANANDILAL MANDAL Resident of village- Thengapur Tola, Ward No- 1,
P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner instituted for the offence punishable under
Sections 363, 366, 34 of the Indian Penal Code and later on
section 376 of the IPC was also added.

As per allegation in the FIR, petitioner on inducement
has kidnapped the informant's wife and cash of RS. 50,000/-
and jewelries are also missing since then from the house of the
informant.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Wife of the informant is a major lady and she had not



raised alarm or objection during kidnapping, which is highly unbelievable and creates doubt in authenticity of the prosecution case. No one is the eye witness of the alleged incident. In fact, informant's wife was having love affair with the petitioner and out of her own sweet will, she left with this petitioner and boarded the vehicle in broad day light. Informant's wife also swore an affidavit before the Notary Public, Purnea under affidavit No. 4012 of 2022 and she got married to this petitioner on 16th July, 2022. Petitioner is languishing in judicial custody since 13.9.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that in statement recorded u/s 164 Cr.P.C. victim lady has made direct allegation that petitioner has tied her eyes and taken her to a unknown place and exploited her physically by applying force. In absence of the petitioner she managed to escape and reached to Araria Police station, where her statement was recorded. Apart from the above fact, petitioner has got two criminal antecedents.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of kidnapping and committing rape against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his



application for bail is rejected.

The trial court is directed to expedite and conclude
the trial.

(Sunil Kumar Panwar, J)

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