

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5851 of 2024

Arising Out of PS. Case No.-1196 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Anil Mandal @ Anil Kumar Mandal S/O Late Doman Prasad Mandal Village- Katoriya, Ps. Rasalpur, Dist. Bhagalpur.
2. Nirmala Devi W/O Anil Mandal @ Anil Kumar Mandal Village- Katoriya, Ps. Rasalpur, Dist. Bhagalpur.
3. Sintu Kumar @ Gurudev Kumar S/O Anil Mandal @ Anil Kumar Mandal Village- Katoriya, Ps. Rasalpur, Dist. Bhagalpur.
4. Ballo Mandal @ Balram Mandal @ Balram Kumar S/O Anil Mandal @ Anil Kumar Mandal Village- Katoriya, Ps. Rasalpur, Dist. Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. All above named accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Kahalgaon (Rasalpur) P.S. Case No. 1196 of 2023, registered for the offences punishable under Sections 147, 148, 149, 323 and 366-A of the Indian Penal Code and Sections 4 of the POCSO Act.
3. The allegation against all above named petitioners



is to help the main accused, namely, Rupesh Mandal being family members, who committed rape upon the daughter of complainant, who was alleged to be minor on the date of occurrence. It also appears from complaint that after occurrence of rape, marriage was solemnized between daughter of complainant and main accused Rupesh Mandal, where after three or four months, matrimonial discord started developing consequent upon her daughter was ousted from her matrimonial home by petitioners.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are the family members, where allegation of rape is specific against co-accused Rupesh Mandal. It is submitted that the victim specifically stated in her statement, as recorded under Section 164 of the Cr.P.C. that after *Panchayati*, marriage was solemnized with co-accused Rupesh Mandal and after two months of said marriage, family members of Rupesh, who are petitioners ousted her from her matrimonial home. It is pointed out that the maximum allegation what appears against the petitioners is of cruelty, which may be the subject of Section 498-A of the Indian Penal Code but same is not the part of complaint, neither formal F.I.R. was registered with aforesaid allegation. While concluding the argument, it is



submitted that petitioners are men of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as maximum allegation appears against petitioners, who are family members of the main co-accused Rupesh Mandal is of torturing the daughter of complainant being in-laws, who are men of clean antecedent, accordingly, all above named petitioners, in the event of their arrest or surrender before the Court below, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge 7th-cum-Special Judge, POCSO, Bhagalpur/concerned Court, where the case is pending in connection with Kahalgaon (Rasalpur) P.S. Case No. 1196 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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