

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13461 of 2024

Arising Out of PS. Case No.-319 Year-2022 Thana- NARPATGANJ District- Araria

1. Jiranand Mandal Son of Bacha Mandal
2. Suraj Kumar Mandal @ Suraj Kr. Mandal Son of Jiranand Mandal
Both residents of Vilage- Madhura South, P.S.- Narpatganj, District-Araria
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-03-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 363, 366A of the IPC.

3. The learned counsel for the petitioners submit that
petitioners are person with clean antecedent and have been
falsely implicated in the instant case by the informant.

4. It is further submitted that from perusal of the
allegation as alleged in the FIR, it would manifest that the same
does not inspire confidence for the reason that it absolutely does
not stand to reason that the father, mother and the brother would
help their eldest son and brother to kidnap the victim. It is
further submitted that the petitioners have been implicated in the



instant case for the reason that they are father and brother of Chandra Shekhar. It is next submitted Chandra Shekhar and the victim were in love and they eloped, but the victim came back and one month thereafter her statement was recorded under Section 164 Cr.P.C. wherein she has supported the case of the prosecution. It is thus submitted that the delay in getting the 164 Cr.P.C. statement of the victim recorded amply demonstrates that the statement was recorded under parental pressure. It is also submitted that even presuming what has been alleged is true without admitting then the thrust of the allegation is against Chandra Shekhar with whom the victim was in love and it is next submitted that it has been specifically asserted and pleaded at para-15 of the anticipatory bail application that the Principal of the School of the victim issued a certificate that date of birth of the victim girl is 07.08.2000 as recorded in the School Register and in the year 2014 she was a student of Class-IXth. It is further submitted that even the medical report does not even remotely suggest that the victim was violated.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No.319 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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