

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16884 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- RAHIKA District- Madhubani

Birendra Mandal @ Birendra Kumar Mandal @ Chhotu Mandal @ Chhotu
Son of Rajkumar Mandal Resident of Village- Gosai Tol, Post- Kewal Patti
Patwara, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Rajesh Kumar, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s :		Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 30-09-2024
1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 420, 376, 313, 120(B), 504 and 506 of the Indian Penal Code as well as Sections 3 and 4 of the DP Act.

3. Learned counsel appearing on behalf of the informant submits that informant is niece of Mahesh Mandal. It is submitted that sister of the petitioner is married to Mahesh Mandal as such sister of the petitioner is own aunt (Mami) of the informant. It is further submitted that informant was staying with her maternal uncle (Mahesh Prasad) when petitioner used



to visit him to meet his sister. It is next submitted that since petitioner was known to the informant, as such they came close and petitioner on pretext of marriage established physical relation when informant was a minor. It is also submitted that informant was convinced by the act of the petitioner that petitioner will definitely marry her for the reason that he is own brother of her maternal aunt i.e. Mami. It is further submitted that petitioner got a job with the Army in the year, 2019 and thereafter also he used to come and meet the informant and even allowed her to wear the uniform of the Army and clicked her. It is next submitted that a counter affidavit on behalf of the informant has been filed wherein a pen drive has been brought on record. It is submitted that in the pen drive the conversation of the father of the petitioner with the brother of the informant is recorded wherein the father of the petitioner is heard saying that he is willing to marry the informant. It is also submitted that the manner in which the petitioner and his father have acted is reprehensible. It is submitted at the cost of repetition that since informant was knowing the petitioner from before being own brother of her Mami as such she never contemplated that petitioner will not marry her rather would leave her after using her physically.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that since informant is own niece of Mahesh Mandal who is own brother-in-law of the petitioner as such Mahesh Mandal was interested in getting the informant married to the petitioner after he joined the Army. It is next submitted that a reply to the counter affidavit has been filed and from perusal of the same, it would manifest that the conversation in between Mahesh Mandal and petitioner is not only objectionable but reprehensible. It is also submitted that petitioner being an Army Personnel would not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State is present.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rahika



P.S. Case No. 102 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is made clear that if charge-sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned police station through the learned trial court for perusal of the SHO and necessary action.

(Satyavrat Verma, J)

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