

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24173 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- FORBESGANJ District- Araria

BIRENDRA MANDAL @ BIRENDRA KUMAR MANDAL SON OF
MAHESHI MANDAL RESIDENT OF VILLAGE - KHAMKAUL, WARD
NO.01, P.S. - FORBESGANJ, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-04-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Forbesganj Police Station Case No. 138 of 2023, disclosing offences under Sections 363, 366,(A), 34 of the Indian Penal Code.
3. As per the prosecution case, the minor daughter of the informant was abducted by the petitioner on 17.02.2023.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case with oblique motive inasmuch as there was love relationship between the petitioner and victim girl which was not to the liking of the parents. Learned counsel



further submits that at the time of recording of her statement under Section 164 Cr.P.C., the victim girl has disclosed her age as 19 years and the learned Magistrate has assessed the age of the victim girl as on the date of recording of the statement as 18 years. The Aadhar Card of the victim girl annexed along with this application shows that her age at the time of occurrence was 19 years. The victim girl in her statement under Section 164 Cr.P.C. has said that she had gone with the petitioner on her own free will and has solemnized marriage with him at Patna.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 Cr.P.C, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj Police Station Case



No. 138 of 2023, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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