

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23242 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- PALASI District- Araria

Amit Kumar Mandal @ Amit Kumar, Gender-Male, aged about 19 years, Son of Rajesh Sardar, Resident of Village-Chandipur, Charanani, Ward No. 12, Pakri, P.S. - Palasi, District Araria (Bihar) - 854329

... .. Petitioner

Versus

1. The State Of Bihar.
2. Kanpat Lal Mandal, S/o Late Jugat Lal Mandal, R/o vill - Chandipur, Ward No. 12, P.S. - Pakri, Distt. - Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Kumar Ravish, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 01-10-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Palasi P.S. Case No. 03 of 2024 dated 07.01.2024 registered for the offences punishable under Sections 452 and 376 of the I.P.C.

3. As per the prosecution case, two years ago, the petitioner who is from the same village of the informant used to chase his minor daughter and several times he come to his house secretly, however, he was apprehended and left him after a warning. It is further alleged that on 07.012024, at about 2.00 A.M., his daughter started shouting on which he alongwith his family members reached her room and saw that the petitioner in



half-naked condition caught hold of his daughter who was also in half-naked condition. His daughter further disclosed that at about 12.30 A.M., she woke up for call of nature, in the meantime, the petitioner entered her room and after threatening established physical relationship with her. The petitioner was apprehended by them but in the meantime, the co-accused Rajesh Sardar and Sigeshwar Sardar come to his house and tried to freed him from their custody.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant was making pressure on the family members of the petitioner for marriage but the petitioner has refused as he is a young student of I.A. and his Intermediate Examination was going to be held in the month of February, 2024. It is further submitted that there was love affair between the parties. The victim in her statement recorded under Section 164 of the Cr.P.C., has stated that she loved the petitioner and used to talk with him on phone. At 10.50 P.M., the petitioner entered her house and established physical relationship with her. Her brother saw the incident and told the petitioner to marry her but he refused to marry her. Earlier on two occasions, the victim had become pregnant by the



petitioner. The medical examination of the victim does not support the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 08.01.2024. The victim is a major girl.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Palasi P.S. Case No. 03 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

