

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44155 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- BARIYARPUR District- Munger

Munilal Mandal @ Mudrika Mandal @ Munika Mandal @ Mundrika Mandal
S/o Sri Devan Mandal R/o vill - Ghorghat Najira, P.S. - Bariarpur, Distt. -
Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the State

and the informant is represented through the learned advocate.

2. The petitioner seeks regular bail, who is in custody
in connection with Bariarpur P.S. Case No. 173 of 2023
registered for the offence punishable under Section 366/34 of
the I.P.C. Later on police has submitted charge-sheet under
Sections 366 and 376 of the I.P.C.

3. Based upon the written report, the prosecution
alleges that while the informant went to earn for wages in the
meantime this petitioner came and taken away the wife of the
informant. Despite efforts made by the informant when he could
not know the whereabouts of his wife, he went to the house of
the petitioner where all the family members threatened and
scolded him. Subsequent thereto the FIR has been instituted
against the petitioner. During the course of investigation the



victim herself appeared before the police where her statement was recorded. Later on her statement was recorded u/s 164 of the Cr.P.C. wherein the allegation has been levelled against the petitioner that she was subjected to rape and torture by him.

4. Learned advocate for the petitioner referring to the FIR firstly contended that surprisingly the date of the offence has not been mentioned on which date the petitioner had taken away the wife of the informant; all the more when the children specifically stated to the informant that it is the petitioner who has taken away their mother. The prosecution further alleges that after some days the informant went to the house of the petitioner where his family members were scolded and thrashed him away. In the submission of the petitioner the entire case is fully concocted moreover prior to the institution of this case, the wife of the petitioner has filed a complaint case and this case is nothing but has been instituted in order to wreck vengeance and put pressure upon the petitioner and his family. Learned advocate for the petitioner also contended that surprisingly the victim lady was kept confined for several months but she has neither made any protest nor *hulla* which also makes the entire prosecution case false. The statement of the victim is nothing but a malicious one is the contention of the petitioner.



5. On the other hand, learned counsel for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that statement recorded of the victim u/s 164 of the Cr.P.C. speaks loud about the complicity of the petitioner who has committed rape upon her.

6. Regard being had to the submissions made on behalf of the parties and considering the written report of the informant which is the very basis of the FIR and also the fact that there is no witness on the point that she was rescued from a place where she was allegedly kept confined coupled with the fact that the investigation of the crime is complete and the petitioner has been incarcerated since 28.12.2023, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Bariarpur P.S. Case No. 173 of 2023, , subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

7. The application stands allowed.

(Harish Kumar, J)

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