

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71104 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- CHANAN District- Lakhisarai

Abinash Kumar @ Abinash Kumar Mandal Son of Late Upendra Mandal
Village- Bhandar, Po- Sangrampur, PS- Chanan District -Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Chanan P.S. Case No. 70 of 2024, registered on 15.07.2024 for the offences under Sections 137(2), 140(3) and 96 of the Bhartiya Nyaya Sanhita.

3. As per prosecution case, the minor daughter of the informant was kidnapped by this petitioner giving her inducement with the help of other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Occurrence took place on 13.07.2024 and the petitioner was apprehended on 15.07.2024. The victim girl *suo motu* appeared at the police station on



16.07.2024 and recorded her statement. In her statement, the victim girl stated that she left her house on her own and went with the petitioner to Jamui. There is no case of enticing of the victim girl as she left and went to the house of her close relative and after institution of the case, she returned to the village on the very next day. Further, the statement of the victim girl was recorded under Section 183 of BNSS where she again stated that she left her house on her own sweet will and went to the petitioner to Jamui. The petitioner is a student and has got no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and further considering the fact that the victim girl is stated to be a student of class ten when a girl develops sufficient maturity and also considering the clean antecedent of the petitioner as well as his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,



Lakhisarai/concerned court in connection with Chanan P.S. Case No. 70 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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