

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6988 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- BUDHUCHAK District- Bhagalpur

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Manoj Kumar Mandal S/o -Shiv Charan Mandal @ Shiv Charan Singh R/O -
Village.- Barohiya, Budhuchak, P.s - Budhuchak, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Budhuchak P.S. Case No. 93 of 2023 dated 27.09.2023, lodged
under Sections 366A, 376 and 120B of the I.P.C. read with
Section 4 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 4 named accused persons including the present
petitioner. The allegation against them is that they have
kidnapped the daughter of the informant and not returning.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the alleged victim has been recovered and presently she is
residing at the house of the petitioner after marriage. He further

submits that antecedent of the petitioner is clean and he is in custody since 29.09.2023 in which charge-sheet has already been filed.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that on the previous occasion, this Hon'ble Court has called for the case diary and statement of victim recorded under Section 164 of Cr.P.C. Upon perusal of the statement of victim, it transpires that she went with her consent.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VIth, Bhagalpur in connection with Budhuchak P.S. Case No. 93 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail

bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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