

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87445 of 2024**

Arising Out of PS. Case No.-168 Year-2024 Thana- CHAUSA District- Madhepura

Kailash Kumar Mandal @ Kailash Mandal @ Kailas Mandal, Son of Late Mogal Mandal, presently R/o Mohalla-Lakshmipur Bhitta, Ward No.9, Bisaharia Gol, P.S.- Raghuvans Nagar, Dist.-Purina, residing at Mohalla-Nathpur, Sirsiya, (Navtoliya), Ward No. 13, P.S.- Raghuvans Nagar, Dist-Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Kumari, D/o Shri Kailash Mandal, R/o Laxmipur Bhita, Barhara Katri, P.S.- Raghuvansh Nagar, District- Purnea

... .. Opposite Parties

**Appearance :**

|                    |   |                                                                                                                               |
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| For the Petitioner | : | Mr. Jagjit Roshan, Advocate<br>Mr. Anjani Kumar, Advocate<br>Mr. Shashank Shekhar, Advocate<br>Mr. Jayant Kumar Ray, Advocate |
| For the State      | : | Mr. Sanjay Kumar Tiwary, APP                                                                                                  |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      08-01-2026                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Chausa P.S. Case No.168 of 2024 registered under Sections 126(2), 115(2), 89, 62 and 318(4) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. Allegation against petitioner is to cause Medical Termination of Pregnancy (NTP) of the informant, who is



none but his daughter aged about 19 years as per FIR.

4. It is submitted by learned counsel appearing for petitioner that the date of birth of daughter of petitioner as per school certificate is 01.01.2008. It is pointed out that she was instigated by one Pradesh Mandal @ Jyotish Kumar and was eloped in the year 2023 itself for which, on first occasion, Barhara (Raghuvansh Nagar) P.S. Case No.312 of 2023 was lodged by petitioner being father of informant. It is pointed out that in that case the informant was released in favour of petitioner but, again she left home and joined the company of Pradesh Mandal (accused of another case) for which another FIR lodged as Barhara P.S. Case No.420 of 2023 under different provisions of POCSO Act, where again, victim was released in favour of petitioner being natural guardian. Again, on third occasion, she left the home of petitioner and joined the company of Pradesh Mandal @ Jyotish Kumar, for which Chausa P.S. Case No. 167 of 2024 was lodged, where after the recovery, she refused to join the petitioner and, thereafter, she was sent to Observation Home, observing that on the date of occurrence, she was minor. It is submitted that



in all such backgrounds and as informant was rigid to live with Pradesh Mandal @ Jyotish Kumar, who is accused of all aforesaid three cases, the present false case was lodged against petitioner, who is none but the father upon instigation of Pradesh Mandal. It is submitted that the allegation of MTP is completely false and just to aggravate the allegation. It is pointed out that no document in support of aforesaid allegation was pressed by informant and the present case appears lodged only upon instigation of accused Pradesh Mandal @ Jyotish Kumar, making instrumental the informant with whom informant is rigid to continue her married life. The petitioner claimed clean antecedent.

5. Learned APP for the State while apposing the prayer of bail submitted that the allegation is specifically available against this petitioner but, could not disputed the aforesaid factual submissions.

6. In view of aforesaid factual submissions and by taking note of backgrounds, as discussed aforesaid, in which the present case was lodged by informant, who is none but the daughter of petitioner, coupled with the fact that *prima*



*facie* nothing available on record in support of allegation *qua* abortion, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Udakishunganj, Madhepura in connection with Chausa P.S. Case No.168 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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