

Present: Sandeep Mishra
In the court of District and Additional Sessions Judge-I, Katihar
Bail Application 470 of 2026
(Arising out of Pranpur P.S.case No. 61 of 2026)
Chotu Kumar Mandal versus State

1. Chotu Kumar Mandal, aged 25 years, son of Shanker Mandal, resident of Jhauwa Sahja, P.S.-Pranpur, District- Katihar.

... Petitioner

versus

The State of Bihar

... Opposite party.

Date	Order	Remark
19.05.2026	1. This is an application for grant of regular bail filed on behalf of the accused-petitioner namely Chotu Kumar Mandal who is in custody in this case since 22.02.2026 in connection with Pranpur PS Case no. 61 of 2026 registered under sections 126(2), 115(2), 64(1), 137(2), 3(5) of Bhartiya Nyaya Sanhita. Chargesheet has already been submitted against the accused persons including this accused petitioner under aforesaid sections. 2. The victim herself is the informant of this case. According to the First Information Report, case of the prosecution is that the marriage of the victim was solemnised with Vikram Kumar Mandal five years ago and in the meantime, the co-villager namely Chotu Kumar Mandal (petitioner herein) started talking with the victim on phone and sometimes talk used to be held in between the victim and the petitioner namely Chotu Kumar Mandal physically also. This was going for the last two years. Further case of the informant is that said Chotu Kumar Mandal used to induce her and he used to say her that he would keep her and he would also marry her. Alluring her of marriage, said Chotu Kumar Mandal also sexually exploited the victim. The husband of the victim used to work outside. In the	

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meantime, on 25.01.2026, at about 1:00 P.M., said Chotu Kumar Mandal forcibly took away the victim to the house of his sister namely Riya Devi and established physical relation with her there. Said Chotu Kumar Mandal kept the victim there for the last one month and thereafter, he took the victim to Majgama in his home where the brother of said Chotu Kumar Mandal namely Sentu Kumar and Shanker Mandal assaulted her and ousted her.

3. It has been submitted on behalf of the petitioner that no bail application either anticipatory or regular has been filed on behalf of the petitioner in this case earlier either before this court or before the Hon'ble High Court Patna. The petitioner has got no criminal antecedent. The petitioner is quite innocent and he has committed no offence at all. The allegations levelled against the petitioner are totally false and fabricated and not even a whisper of direct or indirect allegation exists against the petitioner. The petitioner has been falsely implicated in this case by the informant due to local village politics because informant is major married woman having two children. No any single substantive piece of evidence is there against the petitioner. Even if the entire First Information Report is taken at its face value, First Information Report has been lodged after due deliberation and consultation, which itself demonstrates that it is not a spontaneous reaction to a genuine occurrence but a motivated and tortured one.

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<u>continued</u> 19.05.2026	The delay of 25 days in registration of the First Information Report without any satisfactory explanation further demonstrates the falsity of the allegation. The implication of the petitioner is purely ornamental and mechanical, without any overt act. The informant is a major married women and her own statement suggests about longstanding acquaintance, voluntarily communication, relationship spanning 2 years, which prima facie demolishes the theory of coercion. On perusal of First Information Report or material on record shows that relationship between accused and informant was of a consensual nature. In support of the contentions on behalf of the petitioners, reliance has been placed on behalf of the petitioners on the decisions of the Hon'ble Supreme Court in the case of SHIV PRATAP SINGH RANA V/S STATE OF MADHYA PRADESH AND ANOTHER REPORTED IN AIR 2024 SC [Criminal] 1191 and also in the case of DHURUARAM MURLIDHAR SONAR V/S THE STATE OF MAHARASHTRA REPORTED IN AIR 2019 SUPREME COURT 327. 4. On the other hand, learned APP has opposed the prayer of the petitioner for grant of bail and submitted that there is heinous allegation against the petitioner that alluring the victim of marriage, he established physical relation with her. Therefore, the petitioner is not entitled to be granted the privilege of regular bail. 5. Heard the parties and perused the record. As	
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stated herein above, chargesheet has already been submitted in this case. The record of this case being Prampur PS Case no. 61 of 2026 has been received from the learned court concerned. So far as the criminal antecedent of the petitioner is concerned, it has been mentioned in paragraph no. 53 of the case diary that the petitioner has got no criminal antecedent.

Allegation against the petitioner are that alluring the victim of marriage, he took away the victim with him and established physical relation with her and later on ousted the victim. In the statements of the victim recorded under sections 180 and 183 of Bhartiya Nagrik Suraksha Sanhita, the victim has stated that she was in love with this petitioner namely Chotu Kumar Mandal and both of them escaped from the village and she married Chotu Kumar Mandal in the house of the sister of Chotu Kumar Mandal namely Riya Devi. Thereafter, Chotu Kumar Mandal took her to his house and where he kept her for one month and established physical relation with her forcibly. Therefore, from the aforesaid statements of the victim, it transpires that she was in love with this petitioner and she had gone voluntarily with the petitioner and also married him whereas she was already married. Since, the victim is major and she was already married from before the occurrence, question of alluring her of marriage does not arise as the victim was well aware of the fact that she is a married lady and her husband is alive. It shows that whatever has been occurred in between the petitioner and the victim was consensual.

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<u>continued</u> 19.05.2026 	The petitioner is in custody in this case since 22.02.2026 and chargesheet has already been submitted against the petitioner. 6. Considering the aforesaid facts and circumstances of the case including the statements of the victim recorded under sections 180 and 183 of Bhartiya Nagrik Suraksha Sanhita, this court is inclined to enlarge the petitioner on regular bail. 7. Accordingly, prayer of the petitioner namely Chotu Kumar Mandal for grant of regular bail in connection with Prampur PS case no. 61 of 2026 is hereby allowed. The petitioner namely Chotu Kumar Mandal is hereby directed to be enlarged on regular bail in connection with Prampur PS case no. 61 of 2026 on his furnishing bail-bond of Rs. 10,000/- with two sureties of the like amount each subject to the satisfaction of the learned court concerned where this case being Prampur PS case no. 61 of 2026 is pending. One of the sureties of the petitioner will be the close relative of the petitioner and the the petitioner will furnish an undertaking that he will remain present on each and every date physically till framing of charge. (Sandeep Mishra) District and Additional Sessions Judge-I Katihar 19.05.2026	
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