IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28570 of 2017

Arising Out of PS.Case No. -285 Year- 2016 Thana -SUGAULI District-EASTCHAMPARAN(MOTIHARI)

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Chandrika Mali @ Chandrika Maali @ Chandrika Malli Son of Late Babulal Mali, Resident of Village-Bagaha, P.S.-Harsidhi, District-East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 07-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sugauli P.S. Case No. 285 of 2016 registered for the offence punishable under Sections 363, 366A, 379, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the First Information Report there is an allegation that Manoj Mali and Chandrika Mali, the two brothers had kidnapped the victim girl with an intention to marry. In course of investigation the victim girl who herself came back, gave statement under Section 164 Cr.P.C. to the learned Chief Judicial Magistrate, 1st Class. At the time of

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her statement the age of the victim girl has been recorded as 18½ years by the learned Magistrate, though the victim girl has stated her age as 17 years. In her statement she has clearly stated that she had gone to the house of her Mausi due to ill-treatment being received by her mother. She has further stated that she came to know later on that her parents has lodged a case against his school friend Manoj Mali, and brother of Manoj Mali was arrested in the said case. learned counsel further submits that police has submitted a charge-sheet under Section 363, 366, 379 and 34 of the Indian Penal Code after reaching to the conclusion that the victim girl was a major. The petitioner has got no criminal antecedent and is in custody since 07.12.2016. Learned counsel further submitted that the petitioner is brother of Manoj Mali and no active participation of this petitioner has come in course of investigation. The petitioner is ready to abide by the terms and conditions and is ready to cooperate in trial.

Considering the statement made by the victim girl after her return and that the police has already submitted a charge-sheet and petitioner is ready to cooperate in trial, let the petitioner, above named, be

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enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Sugauli P.S. Case No. 285 of 2016, subject to condition that petitioner will regularly appear in course of trial before the court below and two regular default in appearance will lead to cancellation of his bail bond. This will be in addition to condition under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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