

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7359 of 2018

Arising Out of PS.Case No. -221 Year- 2017 Thana -BIHRA District- SAHARSA

=====

1. Sudhir Malakar @ Sudhir Kumar S/o Shambhu Malakar, R/o Village-Sattar Chhipa Tola, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Smt. Anusuiya Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 07-02-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Bihra P.S. Case No. 221 of 2017 registered under Section 363, 366 A/34 of the Indian Penal Code.

The petitioner along with three other accused persons is said to have kidnapped the minor daughter of the informant with an intention to marry with her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has no concern with the aforesaid occurrence. As a matter of fact, the victim is major and she herself eloped with Rajesh Kumar & performed marriage with him out of her sweet will. The victim in



- 2 -

her statement under Section 164 Cr.P.C. has also corroborated the aforesaid aspect of the case. In the said statement she has candidly stated that none has kidnapped him and the petitioner has not applied any force against her. The petitioner has been languishing in custody since 14.11.2017. Similarly situated co-accused Ramchandra Yadav has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 5412 of 2018 vide order dated 02.02.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Saharsa in connection with Special POCSO Case No.45 of 2017, arising out of Bihra P.S. Case No.221 of 2017.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

