

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47258 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -BARGANIA District- SITAMARHI

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Shibu Mallick, Son of Mahendra Mallick, Resident of Village-
Subhanakarpur Ratnopatti, P.S.- Town, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 13-09-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case registered under
Sections- 363/366A/34 of the Indian Penal Code.

The prosecution case in brief, is that informant's minor
daughter Jaimala Kumari along with her Bhagina was enticed
away by Manoj Sahani in collusion with other accused persons.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 23-01-2018. There is no allegation of
tampering of witnesses alleged against the petitioner. Charge sheet
has already been submitted in this case. The petitioner has falsely
been implicated in the present case. The victim is alleged to have
eloped with co-accused Manoj Sahani. The petitioner is not named
in the FIR.



On behalf of the State, it is submitted that in course of investigation, the victim girl was examined u/S 164 Cr.P.C. in which, she has made allegation of committing physical and sexual abuse against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail in connection with Bairgania P.S. Cse No. 04 of 2018 is rejected at this stage.

(Sudhir Singh, J)

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