

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.61734 of 2019**

Arising Out of PS. Case No.-260 Year-2017 Thana- BAKHTIYARPUR  
District- Patna

=====

CHANDA DEVI Wife of Sri Mukesh Mallick Daughter of Om Malik,  
Resident of Village- Naya Tola Raghopur, P.S.- Bakhtiyarpur, District-  
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Kumar Manglam, Advocate.

For the Opposite Party: Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      16-10-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2.      The petitioner has renewed her prayer for anticipatory bail in connection with Bakhtiyarpur P.S. Case No. 260 of 2017 for the offences alleged under Section 366(A) of the Indian Penal Code, having earlier been rejected by this Court by order dated 28.03.2019 in Cr. Misc. No. 77149 of 2018.

3.      Learned counsel for the petitioner submits that in a subsequent development, the so-called victim girl has since solemnized marriage with the petitioner's brother Ravi Kumar and they are living harmoniously together as evident from the joint petition filed before the learned ACJM, Barh (Annexure-4). It is further stated that the ingredients of the offences alleged under Section 366A IPC are not attracted considering that the victim had already attained majority on the date of alleged occurrence, namely 09.07.2017, her date of birth being 07.06.1999 as stated in her birth certificate dated 23.11.2017



(Annexure-3) which however was inadvertently not brought on record at the time of consideration of the earlier anticipatory bail petition. The petitioner has been implicated merely because she happens to be the sister of the aforesaid Ravi Kumar. Statement is made at the Bar that co-accused Ravi Kumar has been granted regular bail. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Ist Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 260 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That the petitioner shall ensure production of her brother Ravi Kumar along with the victim girl before the learned Court below.

(ii) That one of the bailors shall be a close relative of the petitioner.

(iii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) That the petitioner shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present, and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned



Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that the victim girl was a major on the date of alleged occurrence and that the marriage between the victim and the petitioner's brother Ravi Kumar was voluntarily and bona fide; conversely, her bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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