

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4953 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- SURSAND District- Sitamarhi

Babloo Mallik @ Bablu, aged about 20 years, Male Son of Ganaur Mallik,
Resident of village- Manik Chauk, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-05-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Sursand
P.S. Case No. 112 of 2021 registered for the offence punishable
under Sections 363 366A and 34 of the Indian Penal Code
(Chargesheet submitted under Section 8 of the POCSO Act
also).

Accordingly to the prosecution case, the informant
Meena Devi filed a written complaint before S.H.O. of Sursand
Police Station alleging therein that on 11.03.2021 the daughter



of informant namely Sapna Kumari aged about 16 years had gone see Mela near Balkeshwar Asthan, but she did not return. The informant started search then she learnt that Sapna Kumari was kidnapped by accused person named in the F.I.R.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that the date of occurrence was 11.03.2021 but the present FIR was lodged on 13.03.2021 after delay of two days without any explanation of delay. He further submits that the victim girl was examined under Section 164 Cr.P.C. but she does not disclose the name of the petitioner and she has stated that three unknown persons had kidnapped her. He further submits that it appears from the case diary that the victim girl has refused for medical examination and police after investigation submitted the chargesheet against the petitioner under Section 366, 366A/34 of the Indian Penal Code. The petitioner is in custody since 14.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the period of custody and the allegation levelled against the petitioner, the petitioner above-named is



directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Sitamarhi in connection with Sursand P.S. Case No. 112 of 2021.

(Sandeep Kumar, J)

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