

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30810 of 2022

Arising Out of PS. Case No.-453 Year-2020 Thana- KORHA District- Katihar

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ARVIND MALLICK S/o Kamleshwari Mallick @ S/o Kamallesh Mallick
Resident of Village- Pawai, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 366(A) and 376 of the Indian
Penal Code and Section 4 of the POCSO Act.

The minor daughter of the informant is said to
have been abducted by the petitioner for the purpose of
performing marriage with each other.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that as a matter of fact, the alleged
occurrence is said to have been committed on



03.10.2020 but the F.I.R. in this regard has been instituted on 11.10.2020 after lapse of eight days without explaining the plausible delay and the reason best known to informant. He further submits that there is no eye witness to the alleged occurrence nor the informant herself claims to be the eye witness of the occurrence. He further submits that there was love affairs between the victim girl and the petitioner and the victim herself left her house and solemnized marriage with the petitioner. Therefore, no case of abduction is made out against the petitioner. The petitioner is rotting in judicial custody since 12.10.2020

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the victim herself in her statement recorded under Section 164 Cr.P.C. has narrated that the petitioner has kidnapped her and committed wrong act with her. He further submits that the statement of the victim has also been supported by the medical examination report of the victim in which the doctor has opined that there is sign of wrong act on the person of the minor victim. The



doctor has also assessed her age between 12-13 years.
Therefore, the petitioner may not be enlarged on bail.

Considering the facts and circumstances of the
case and nature of offence, this Court is not inclined to
grant bail to the petitioner. Accordingly, the prayer for
bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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