

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53907 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- SONBERSA District- Saharsa

UPENDRA MALAKAR S/o Late sitaram @ Ramotar Malakar Resident of
Village Sonbarsa Raj, P.S.- Sonbarsa Raj, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner seeks bail in a case registered under
Sections 363, 366(A) of the Indian Penal Code and Sections 8,
12, 17 of POCSO Act.

Prosecution case, in short, is that the son of the
petitioner abducted the minor daughter of the informant for the
purpose of marriage.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 11.04.2022 and has got no
criminal antecedent. Charge sheet has been submitted in the



present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused due to mistake of fact. After investigation, the police has submitted final form finding the case to be false. The court below has differed and taken cognizance in the matter. Hence the present application has been filed.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Saharsa in connection with POCSO case No.35/2022 arising out of Sonbarsa Raj P.S. case No.88/2022.

(Sudhir Singh, J)

Narendra/-

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