

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53730 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- PIRPAINTI District- Bhagalpur

Vikash Mahaldar Son Of Suraj Mahaldar @Surnarayan Mahaldar Resident
Of Village- Kamalpur, Ps- Pirpanti Harinkol, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 366(A), 376 of the
Indian Penal Code and Section 4 of the POCSO Act.

3. The allegation against the petitioner along with
other is of abducting the minor daughter of the informant for the
purpose of solemnization of marriage with her.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. The victim girl has been recovered and
her statements have been recorded u/s 161 and 164 of the
Cr.P.C. From the perusal of the statement recorded u/s 164 of
the Cr.P.C., it appears that no force has been used by the



petitioner in respect of taking away the victim and the victim further stated that she solemnized marriage with this petitioner in a temple. There is a major contradiction between the statements of the victim recorded u/s 164 and 161 of the Cr.P.C. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 21.04.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 7th-cum-Special Judge (POCSO), Bhagalpur in connection with Pirpainti P.S. Case No. 128 of 2023.

(Sunil Kumar Panwar, J)

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