

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58868 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- BAHERI District- Darbhanga

1. GANESH MALLIK SON OF LATE MUNESHWAR MALLIK RESIDENT OF VILLAGE -ATAHI MAHULI, PS- BAHERI, DIST- DARBHANGA
2. GUDDU MALLIK SON OF GANESH MALLIK RESIDENT OF VILLAGE -ATAHI MAHULI, PS- BAHERI, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Baheri P.S. Case No. 131 of 2022 registered under Sections 341, 323, 379 and 366A/34 of the Indian Penal Code lodged on 06.05.2022 by the informant, Arjun Poddar.

3. As per the prosecution story, the informant has alleged that when the victim girl went out to attend the nature's call, she was taken by Guddu Mallik and upon enquiry, one Sachin Mallik informed that he has taken the girl to Delhi. Further, when his son went out to purchase articles from market



saw the victim girl with the Guddu Mallik, he was chased and assaulted. Accordingly, the FIR.

4. It is the case of the petitioners that who are father and son that the girl in her statement under Section 161 and 164 of the Cr.P.C. has stated that since last one year, she was talking to petitioner no. 2 and without giving information had went out and no overt act has been done by petitioner no. 2. Further, she refused to undergo medical examination.

5. Considering the submissions put forward by the learned counsel for the petitioner, the petitioner no. 1 is father and had no role to play in the alleged relationship of Guddu Mallik with the informant's daughter, in case of petitioner no. 2, Guddu Mallik as per the statement made by the learned counsel for the petitioner incorporated in paragraph-9 of the petition, the girl has not alleged anything against him, charge sheet stands submitted, they are in custody since 20.06.2023 (as stated in paragraph-13 of the petition) and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

6. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Darbhanga in connection with Baheri P.S. Case No. 131 of 2022



subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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