

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 61685 of 2022

Arising Out of PS. Case No.-161 Year-2020 Thana- MAJORGANJ District- Sitamarhi

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SANJAY MALLIK Son of Bauk Mallik Resident of Village- Maudah, P.S.-
Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr Lalan Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Majorganj Police Station (for brevity, **PS**) Case No 161 of 2020 registered for the offence punishable under Sections 363, 366, 366A/34 of Indian Penal Code.

Allegation of kidnapping the informant's minor daughter, as per submission of the petitioner's counsel, stands totally belied by the statement of the alleged victim recorded under Section 164 of Criminal Procedure Code (for brevity, **Cr P C**), copy of which has been enclosed at Annexure 2 to the bail application. Submission is that from the same, it is obvious that the alleged victim is major. She has solemnized marriage with the petitioner and there is also child out of the wedlock.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, nature of accusation, submission of the petitioner's counsel with reference to the statement of the alleged victim under Section 164 of Cr P C, clean antecedent as well as the fact that investigation is complete,



this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Judge (Protection of Children from Sexual Offences Act), Sitamarhi in Majorganj PS Case No 161 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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