

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68378 of 2023

Arising Out of PS. Case No.-1091 Year-2022 Thana- MADHEPURA District- Madhepura

Bipin Mallik @ Bipin Kumar Son Of Late Kapleshwar Mallik Resident Of
Village - Khopaity Dahiya Tola, P.S. And District - Madhepura

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 1091 of 2022 lodged under Sections
363, 366A, 364, 379 /34 of the I.P.C. read with Section 8 of the
POCSO Act and 9/10 of the Child Marriage and Prohibition Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 8 named accused persons including the present
petitioner. The informant has alleged that his daughter was
kidnapped by the petitioner and his family members with a view
to marry or kill.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that petitioner is in custody since 01.02.2023 having clean

antecedent.

5. Counsel further submits that during investigation, the victim has been recovered and upon recovery, she has narrated her statement under Section 164 of the Cr.P.C. before the Magistrate and the Magistrate has identified her age as 18 years. She has categorically disclosed in her statement under Section 164 of the Cr.P.C. that her father and mother create disturbance and torture her. It is due to this reason, she solemnized marriage with the petitioner with her own will and also narrated before the court that she is inclined to live with her husband.

6. Learned counsel for the State opposes the prayer for bail and submits that in her statement under Section 164 of the Cr.P.C., she has not alleged anything against the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VI-cum-Special Judge, POCSO, Madhepura, in connection with Madhepura P.S. Case No. 1091 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with

other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) 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.

(Dr. Anshuman, J.)

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