

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58575 of 2024

Arising Out of PS. Case No.-120 Year-2021 Thana- MAHISHI District- Saharsa

Manish Kumar Malakar @ Manish Malakar @ Chhotu Malakar S/o- Shankar
Malakar Village- Bijwar ward no 12 PS- Mahishi Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jawahar Malakar Son Of Late Laxman Malakar Village- Bijwar, Ps-
Mahishi, Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 363, 365, 366(A), 120(B), 341, 323, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, all the accused persons including this petitioner kidnapped the minor daughter of informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that there was love-affairs between the petitioner and daughter of informant and therefore, both have solemnized marriage on 09.07.2021 and living together as husband and wife. The victim, in her statement recorded under Section 164 Cr.P.C., has denied the prosecution case. The medical board has assessed the age of the victim '*above 18 years*'. Police, after investigation,



submitted final form against petitioner, as '*mistake of fact*', however; differing with the same, the learned Court below has taken cognizance against all the accused persons, including this petitioner. Similarly situated co-accused persons have already been granted anticipatory bail by this Court, vide order dated 22.02.2024 passed in Cr.Misc. No. 11624 of 2024. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – VI cum Special Judge (POCSO), Saharsa in connection with Mahishi P.S. Case No. 120 of 2021, corresponding to POCSO Case No. 07 of 2022,, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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