

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11624 of 2024

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

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1. Shankar Malakar S/o Ganpait Malakar Resident of Village- Bijwar, Ward No. 12, P.S.- Gopalpur, District- Saharsa
 2. Santosh Malakar S/o Ganpet Malakar Resident of Village- Bijwar, Ward No. 12, P.S.- Gopalpur, District- Saharsa
 3. Pappu Malakar @ Pappu Kumar Malakar S/o Shankar Malakar Resident of Village- Bijwar, Ward No. 12, P.S.- Gopalpur, District- Saharsa
 4. Lalo Malakar @ Lalo Kumar Malakar Son of Shankar Malakar Resident of Village- Bijwar, Ward No. 12, P.S.- Gopalpur, District- Saharsa
 5. Abhimanyue Malakar @ Abhimanyu Kumar Malakar S/o Shankar Malakar Resident of Village- Bijwar, Ward No. 12, P.S.- Gopalpur, District- Saharsa
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-02-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their 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 these petitioners kidnapped the minor daughter of informant for the purpose of marriage.

4. It is submitted on behalf of petitioners that specific accusation of kidnapping is against co-accused Manish Kumar. So far as these petitioners are concerned, they are alleged to have abused and assaulted the informant and his family



members. Petitioner no. 1 is father, petitioner no. 2 is uncle and petitioner no. 3, 4 & 5 are brothers of co-accused Manish Kumar. Police, after investigation, submitted final form, as '*mistake of fact*' and petitioners were not sent up for trial, however; differing with the same, the learned Magistrate has taken cognizance against all the accused persons, including petitioners. Petitioners have got no criminal antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each 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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