

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1482 of 2026

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

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- 1 . Nitish Malakar @ Nitish Kumar Malakar S/o Santosh Malakar Residence of
Village - Bijwar, ward no. 12, P.S.- Mahishi, Distt.- Saharsa
2. Mina Devi W/o Shankar Malakar Residence of Village - Bijwar, ward no.
12, P.S.- Mahishi, Distt.- Saharsa

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Jawahar Malakar S/O Late Laxman Malakar Residence of Village - Bijwar,
P.S.- Mahishi, Distt.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar , Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioners and the
State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections offence under Sections 363 , 365 , 366 (A) , 120 (B) , 341 , 323 , 504, 506 and 34 of IPC and section 4, 6 and 17 of POCSO Act.

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



4. Learned counsel for the petitioners submitted that there was love affairs between co-accused Manish Kumar and daughter of informant and out of love , both of them solemnized marriage on 09.07.2021 and are living together as husband and wife . The victim in her statement recorded under section 164 Cr. PC has denied the prosecution case . The medical board has also assessed the age of victim above 18 years. These petitioner have been made accused in this case only because they happen to be family members of co-accused Manish Kumar who has already been granted bail by this Hon'ble Court vide order dated 27.09.2024 in Cr. Misc. No. 58575 of 2024 . Petitioners claim clean antecedent.

5 . Learned counsel for the State oppose the bail petition .

6 Considering the aforesaid facts, clean antecedent of these petitioners and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional sessions Judge – VI cum Special Judge (POCSO) Saharsa in connection with Mahishi P.S. Case No. 120 of 2021,



subject to the conditions laid down under section 482 (2) of the
Bharatiya Nagarik Suraksha Sanhita (BNSS) , 2023 .

(Prabhat Kumar Singh, J)

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