

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39797 of 2015

Arising Out of PS.Case No. -15 Year- 2014 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Mukesh Mukhiya Son of Harihar Mukhiya Resident of village Bairiya
Tand P.S Bairiya District Bettiah

.... Petitioner/s

Versus

1. The State of Bihar.
2. Geeta Kumari Daughter of Bishundeo Mukhia Resident of Village and
P.S Bairiya District Bettiah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody since
17.10.2014 in connection with Bairiya P.S. Case No. 15 of 2014
for the offences under Sections 376/511/498(A) of the Indian
Penal Code.

It is alleged that while the informant, Geeta
Kumari, the victim girl was in her house, the petitioner came
there and taken her to Chanpatia in the absence of her parents and
tried to establish physical relation and on protest she was beaten
and rape was committed on her by the petitioner. She was not
ready to marry with the petitioner because the father of the
petitioner Harihar Mukhiya was also trying to establish physical
relation with her but she was not ready for that. The petitioner
forcibly married the informant in a temple and repeatedly
committed rape on her. The informant managed to flee away

from there and came to the house of her parents.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 17.10.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. It has been submitted that prior to the institution of the present case, the father of the petitioner had instituted a Sanha wherein he had alleged that the petitioner has been abducted by the father of the victim girl and in retaliation of the said Sanha, the present case has been instituted against the petitioner and his family members making allegation that the victim has forcibly been married to this petitioner.

On behalf of the State it is stated that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah in connection with Bairiya P.S. Case No. 15 of 2014.

(Sudhir Singh, J)

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