

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6098 of 2016

Arising Out of PS.Case No. -134 Year- 2015 Thana -KURSAKANTA District- ARRARIA

1. Shambhu Mukhiya, Son of Sakhichand Mukhiya, Resident of Village-
Ghat Chikni, Gorhi Tola Naya Nagar, Panchayat Jagir Parasi Ward No. 14,
P.S.: Kursakanta, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

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

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Kursakanta P.S. Case No. 134 of 2015 registered for the offence
punishable under Section 366 (A) of the Indian Penal Code.

Allegedly, the petitioner kidnapped Khushboo
Kumari, aged about 11 years, the daughter of the informant with
an intention to marry with her. The victim girl after release gave
her statement under Section 164 Cr.P.C., wherein she has
supported the allegation of kidnapping and further that the
petitioner put vermilion on her forehead and besides that the
petitioner did nothing.

Submission is of false implication and that the victim has appeared *suo motu*, she has not stated regarding sexual assault committed by the petitioner and the petitioner by remaining in custody since. 30.10.2105 has been sufficiently penalized to which learned A.P.P. opposes.

In the facts and circumstances stated above, considering the period of detention of the petitioner now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Araria, in connection with Kursakanta P.S. Case No. 135 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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