

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22642 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -SONO District- JAMUI

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Mukesh Rai @ Mukesh Roy, Son of Vishwanath Rai, Resident of Village-
Sono, Police Station Sono, District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

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

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

2 25-05-2016

As prayed for by the learned counsel for the
petitioner, permission is granted to make correction in Para No. 1
of the application during course of the day.

Heard the learned counsel for the petitioner as well
as the learned A.P.P for the State.

The petitioner seeks bail in connection with Sono
P.S. Case No. 29 of 2016 registered for the offences punishable
under Sections 363 and 366A/34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused kidnapped
Rimjhim Kumari, the daughter of the informant at the point of
pistol. The statement of the victim girl has been recorded under
Section 164 of the Code of Criminal Procedure wherein she has
supported the allegation of kidnapping by stating that the

petitioner was trying to take away her to Surat but she came down from the train at Bakhtiyarpur and police caught the petitioner and the victim. She further states that the petitioner has not performed marriage with her nor he has done any illegal act with her.

Submission is of false implication and that the statement of the informant as alleged in the first information report becomes falsified from the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure, the victim went out of her own sweet will, she is major and without any fault, the petitioner is suffering in custody since 04.03.2016.

The learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that victim has not stated regarding sexual harassment done to her by the petitioner and, as such, the petitioner, above named, 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 Additional Chief Judicial Magistrate, Jamui in connection with Sono P.S. Case No. 29 of 2016, subject to the conditions that one of the bailors must be a 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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