

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46008 of 2015

Arising out of PS.Case No. -256 Year- 2014 Thana -BAHERI District- DARBHANGA

Lalit Mukhiya, son of Kapileshwar Mukhia, resident of village- Gaibal,
P.S.- Baheri and District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Mr. Aditya Narayan Singh-I(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Baheri P.S. Case No. 256 of 2014 for the offences instituted
under Sections 363, 366(A) and 34 of the IPC.

The prosecution story, in brief, is that the informant’s
minor daughter, namely, Menika Kumari, aged about 14 years had
gone to visit “Durga-Mela” in the evening of 03.10.2014 but she
did not return till late night and during the course of search, the
informant learnt that FIR named accused Lalit Mukhiya and
Munim Mukhiya kidnapped her daughter for the purpose of doing
illegal act with her.

In the light of the order dated 03.11.2015, a report has been submitted by the learned court below, let it be kept on the record.

It has been submitted on behalf of the petitioner that the petitioner has been made accused in the present case due to mistake of fact. Whatever the allegations have been made in the complaint case is false and fabricated and the same is due to the family dispute between the parties. The petitioner repeatedly has falsely been implicated in the present case at the instance of the mother of the victim.

On behalf of the State it has been submitted that the victim for the first time after the occurrence was examined under Section 164 Cr. P.C. on 19.11.2014 where she has made direct allegation against the petitioner. After her release, again she was abducted by the accused persons and in respect to that a protest petition was filed by the mother of the victim in the learned court below and thereafter subsequent release of her, she was again examined by the learned court below under Section 164 Cr. P.C. It is further submitted that the petitioner has got criminal cases of similar nature.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is

rejected in Baheri P.S. Case No. 256/2014, pending in the court of
the learned C.J.M., Darbhanga.

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(Sudhir Singh, J)

