

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22430 of 2017**

Arising Out of PS.Case No. -166 Year- 2016 Thana -MAHESI District- SAHARSA

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Gagan Mukhiya Son of Fulo Mukhiya , Resident of Village- Saharba, P.S.- Mahishi, District- Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, A.P.P.

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

3      01-07-2017                      Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Maheshi (Jalai OP) P.S. Case No. 166 of 2016 registered for the offence punishable under Sections 366(A) and 34 of the Indian Penal.

Allegedly, the minor daughter of the informant was kidnapped by the petitioner and others. During investigation the statement of the victim girl was recorded under Section 164 Cr.P.C., wherein, she has stated her age 18 years and the learned Magistrate has also assessed her age 18 years. She in her statement stated that she has performed marriage with the petitioner in the temple of Bhola Baba. She has called telephonically the petitioner in the temple. She has also denied the allegation of kidnapping.

Submission is of false implication and that the petitioner



has not kidnapped the daughter of the informant. She has been medically examined but no sign of sexual intercourse has been found. The doctor has assessed her age 16 years so it is false to allege that she was 12 years of her age. In fact, the step mother of the victim used to torture her and she was not allowed to live in the house, therefore, she fled away from the house. The petitioner without any fault is apprehending his arrest.

Learned A.P.P. submits that the victim has not supported the allegation of kidnapping.

In the facts and circumstances, stated above, the petitioner, above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate at Saharsa in connection with Mahesi (Jalai OP) P.S. Case No. 166 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J)**

Brajesh/-

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