

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9868 of 2018

Arising Out of PS.Case No. -242 Year- 2015 Thana -BAHERI District- DARBHANGA

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1. Sokindar Mukhiya @ Sokhindar Mukhiya, S/o Rajendra Mukhiya @ Rajendra Mukhiya,
 2. Gunjan Mukhiya S/o Raj Kumar Mukhia, Both are R/o Village- Gwas, P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-04-2018 Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners seek anticipatory bail in connection with Baheri P.S. Case No. 242 of 2015 for the offence registered under sections 363, 366 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons having enticed the victim girl whereafter she was made to board a train for Delhi along with co-accused Ramesh Mukhiya.

The learned counsel for the petitioners submits that a bare perusal of the statement of the victim girl under Section 164 Cr.P.C. would show that the victim girl has only named the co-accused, namely, Ramesh Mukhiya as the person who had performed illegal act with the victim girl. However, there is



no allegation made by the victim girl as far as the petitioners herein are concerned, except enticing the victim girl. It is further submitted that the Police had in fact filed final form as against the petitioners herein and charge sheet was only filed against the said Ramesh Mukhiya but subsequently upon protest being filed, the learned trial court has taken cognizance as against the petitioners also. The petitioners are having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Darbhanga in connection with Baheri P.S. Case No. 242 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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