

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68095 of 2018

Arising Out of PS. Case No.-62 Year-2016 Thana- BHAIKAVSHTHAN District- Madhubani

Maya Devi, W/o- Janak Mukhiya, Resident of Village- Kaithwar Tola,
Vishnupur, P.S.- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366, 376 and 323 of the IPC.

The prosecution case got initiated by filing Complaint Case No. 345 of 2016, which, after being transferred under Section 156(3) of the Cr. P.C., came to be registered as Bhairabsthan P.S. Case No. 62 of 2016.

The prosecution case as per the complaint petition is that on 12.01.2016, under conspiracy of all the four accused persons including the petitioner, three accused persons, namely, Rajesh Mukhiya and his brothers Ravi Mukhiya and Sushil Mukhiya kidnapped the informant and took her to Pune, where, Rajesh Mukhiya established forceful physical relationship with her. It is



further alleged that when the informant became pregnant, she was brought to Madhubani for getting the pregnancy terminated and when the informant did not agree to get the pregnancy terminated then she was left on the road.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Rajesh Mukhiya, who took the victim to Pune, forcefully established physical relationship and got married with the informant and he has been granted regular bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 33266 of 2017 upon joint prayer of the victim and Rajesh Mukhiya that they have performed marriage and are leading peaceful conjugal life. The petitioner has been roped in the present case since she happens to be the mother of co-accused Rajesh Mukhiya. It is further submitted that the victim, in her statement, recorded under Section 164 Cr. P.C., did not name the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the thrust of accusation against co-accused Rajesh Mukhiya and the victim in her statement



recorded under Section 164 Cr. P.C., did not name the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Madhubani, in connection with Bhairabsthan P.S. Case No. 62 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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