

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13013 of 2019

Arising Out of P.S. Case No.-150 Year-2018 Thana- BIHRA District- Saharsa

SUREN MUKHIYA, Male aged about 23 years, Son of Muneshwar Mukhiya,
Resident of Village-Patori (Kali Sthan), P.S.-Bihra, District-Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
06.09.2018 in connection with Bihra P.S.Case No.150 of 2018
(POCSO 29 of 2018) for the offence alleged under Sections 363
and 366(A)/34 of the Indian Penal Code while chargesheet has
been submitted under Sections 363, 366(A) and 376 of the
Indian Penal Code as well as under Section 4 of the POCSO
Act.

The prosecution case as lodged by the informant is
that the petitioner along with other co-accused named in the FIR
have kidnapped her 16 year old daughter Karuna Kumari.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and



the victim girl in her statement under Section 164 of the Cr.P.C. before the Magistrate has stated that she had gone with her own free will with the petitioner and has solemnized marriage with him in Delhi. The age of the victim girl has been noted as 17 years by the learned Magistrate and stated to be 19 years by the victim girl. He further submits that no offence has been committed by the petitioner as both were having love affair and now they are married to each other.

However, learned APP for the State opposes the prayer for bail stating that the daughter of the informant is a minor.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bihra P.S.Case No.150 of 2018 (POCSO 29 of 2018) to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, Saharsa.

(Nilu Agrawal, J)

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