

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34964 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- PAKRIDAYAL District- East Champaran

Mahesh Mukhiya, Son of Late Jagarnath Mukhiya, Resident of Village –
Thikahi, Balu Tola, P.S.- Pakdidayal, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey (APP 84)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 25.03.2019 in a case registered for the offences punishable under Sections 363, 366A, 376/34 of the Indian Penal Code, 1860 and Section 8 of Prevention of Children from Sexual Offences Act, 2012.

The prosecution case as per the informant is that on 16.03.2019 the minor daughter of the informant, Shobha Kumari was kidnapped by co-accused Nanak Mukhiya and he also established forceful physical relationship with the minor daughter of the informant. It is alleged that the petitioner, being



the brother of co-accused Nanak Mukhiya helped in kidnapping of the minor daughter of the informant.

It is submitted by learned counsel for the petitioner that in the statement recorded under Section 164 of the Cr.P.C., the victim has stated that she on her own went in the company of Nanak Mukhiya and she wanted to marry with him. Though, the victim in her statement recorded under Section 164 of the Cr.P.C. has stated her age as 14 years whereas the Court has assessed her age as 15 years. It is further submitted that even assuming the accusation to be true, no offence under Section 376 of the IPC is made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the thrust of accusation is against co-accused Nanak Mukhiya and in the statement recorded under Section 164 of the Cr.P.C., the victim has not named the petitioner, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction of
learned Additional Sessions Judge-I -cum- Special Judge, East
Champaran, Motihari in connection with Pakridayal P.S. Case
No. 62 of 2019.

(Dinesh Kumar Singh, J)

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