

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38783 of 2019

Arising Out of PS. Case No.-297 Year-2017 Thana- BAUNSI District- Banka

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MUKESH MARAIYA Son of Mahadev Maraiya @ Mahadev Madaiya
Resident of Village- Sitaladagal, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr. (Dr.) Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-08-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in Bounsi P.S. Case No.
297/2017, instituted for offences under Section(s) 363, 366,
354(B) of the Indian Penal Code read with Section 12 of
POCSO Act.

Earlier prayer for bail of petitioner was rejected by a
Co-ordinate Bench of this Court vide order dated 21.06.2018
passed in Cr. Misc. No. 35564/2018 by which trial court was
directed to expedite the trial.

It is alleged in the written report that on the date of
occurrence while two daughters of informant were returning and
reached near Sitladangal More, petitioner along with co-accused
Subodh Maraiya tried to kidnap them but one of the daughter of



informant, namely, Futaki Kumar managed to escape. The accused persons took another daughter of informant, namely, Asha Kumari, with them.

Report from the court below regarding stage of trial has been received wherein it is mentioned that case is running at the stage of prosecution evidence. Out of seven witnesses, three witnesses have been examined.

Victim has given statement under Section 164 Cr.P.C., which is available in para 29 of case diary, wherein she has stated that petitioner wanted to perform marriage with her. She has stated that petitioner has not committed illegal act with her.

It is mentioned in para 30 of case diary that victim was sent for medical examination but she was not ready for medical examination. Her mother was also not ready for medical examination.

From the report of trial court it appears that there is no likelihood of conclusion of trial within short period.

Petitioner is in custody since 10.12.2017.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the learned Addl. Sessions Judge 1st, Banka, in connection with Bounsi P.S. Case No. 297/2017, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (III) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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