

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45674 of 2019

Arising Out of PS. Case No.-2 Year-2018 Thana- ANDHRATHARHI District- Madhubani

=====

PRADEEP MUKHIYA, male, aged about 30 years, Son of Shri Maheshwari Mukhiya, Resident of Village and P.O.- Dagmara, Piprahi, P.S.- Kunauli, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Rajendra Prasad Nat

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 27-09-2019

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 364, 365, 34 of the Indian Penal Code.

Informant is the son of the victim who in his written complaint has stated that his father Digambar Jha has been kidnapped by unknown persons. Victim Digambar Jha somehow fled away from the clutches of kidnappers and in his statement under Section 164 Cr.P.C. has named Rajendra Kamat, Kalia Mukhiya, Ghanshyam Mukhiya, Pradeep Mukhiya- petitioner, Lalu Mukhiya, Raj Kumar Mukhiya, Pramod and Pankaj Mukhiya and driver who has forcibly pushed him in the jeep and was taken away and his mobile and



gold ring were snatched from him and he was kept in the forest for four days and he fled away in the night.

It has been submitted on behalf of the petitioner that nothing has been recovered from his possession and he has been named in the 164 statement due to previous enmity. No motive either in FIR or statement made under Section 164 CR.P.C. has been assigned for kidnapping. Similarly placed co-accused Rajendra Kamat and Ram Bharat Mukhiya @ Ram Briksh Mukhiya have already been granted bail. Petitioner is in custody since 17.01.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Andhrarathari P.S. Case No. 2/2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the



evidence or the witnesses of the case, in that case,
prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

