

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53140 of 2019**

Arising Out of PS. Case No.-129 Year-1989 Thana- GHOGHARDIHA District- Madhubani

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Sohan Mukhiya, aged about 55 years, Male, Son of Late Sumarit Mukhiya @  
Late Sumrit Mukhiya, Resident of Village-Satrupatti, P.S-Ghoghardiha,  
District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No. 13, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      25-11-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Ghoghardiha P.S. Case No. 129 of 1989 registered for the  
offences punishable under Sections 363, 366, 120(B) of the  
Indian Penal Code.

After hearing both the parties and on perusal of case  
record, I find that in the instant case FIR has been lodged under  
Sections 363, 366, 120(B) of IPC against the petitioner and his  
family members. According to prosecution case, daughter of the  
informant namely Shiv Kumari Devi went with mother of  
petitioner namely, Lawki Devi on 05.08.1989 at 10 A.M. by  
Saturday. After that, she never turned up and Shiv Kumari Devi



is still traceless. Once chance B.P. No.63 of 1979 was filed on behalf of the petitioner in the court of Sessions Judge and the same has been rejected. Petitioner was in custody. During his custody on 02.01.1990, his father and on 05.01.1990, his mother died. After giving petition on behalf of petitioner humanitarian ground the petitioner was released from jail custody for cremation of his mother and other religious ceremony but after that petitioner never turned up before the court or in the jail and he became absconder. After issuance all process against the petitioner, petitioner was declared absconder on 26.07.2016. Ultimately, the petitioner surrendered before the court on 23.01.2019 and since then he is in custody.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Admittedly, petitioner was in custody, during his custody, his father and mother died. On the humanitarian ground, the petitioner was released on 05.01.1990 after furnishing personal bond for two months from the jail. But after that he did not turn up in the jail. In the result of which the petitioner has been declared absconder on 26.07.2016. Learned counsel for the petitioner further submits that the petitioner has voluntarily surrendered in the court on



23.01.2019 and further submits that there is no chance of absconding of the petitioner. Petitioner has surrendered before the court below after 29 years.

Considering the above facts and circumstances, nature of the offence and gravity of punishment, I am not inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is hereby rejected.

**(Anjani Kumar Sharan, J)**

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