

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74899 of 2018

Arising Out of PS. Case No.-408 Year-2018 Thana- JOGAPATTI District- West Champaran

Jadolal Mukhiya S/o Bhagal Mukhiya @ Late Bhagho Mukhiya @ Late
Bhado Mukhiya, R/o Harinagar Harpurwa P.S. Yogapatti, District- West
Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dhannjay Kumar No 2, Adv.
For the Opposite Party : Mr. Anil Kumar, APP 78

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
29.07.2018 in connection with Yogapatti P.S. Case No. 408 of
2018 for the offences alleged under Sections 376 of the Indian
Penal Code and 4 of the Protection of Children from Sexual
Offences Act.

The prosecution case, as lodged by the informant,
who is a 13 years old victim girl herself, is that her father, the
petitioner, had committed rape on her on various occasions and
ultimately she lodged the first information report against him.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and
the prosecution case is false as the victim-girl in her statement
under Section 164 of the Criminal Procedure Code has herself



stated that she was scolded by her father because of fight between the brother and sister and she has lodged a first information report against the petitioner under misconception and at the spur of the moment. The statement of the victim-girl under Section 164 of the Criminal Procedure Code is enclosed as Annexure 2 of this application.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

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 Yogapatti P.S. Case No. 408 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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