

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14294 of 2020

Arising Out of PS Case No.-57 Year-2016 Thana- YOGAPATTI District- West Champaran

Harendra Mukhiya, aged about 60 years, Male, Son of Late Singashan Mukhiya, Resident of Village - Khalwatola, Piprahiya, P.S.- Yogapatti (Nawalpur), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned APP for the State.

3. The petitioner is in custody in connection with Yogapatti (Nawalpur) PS Case No. 57 of 2016 dated 02.03.2016 instituted under Sections 341, 323, 376, 511, 504/34 of the Indian Penal Code and 8 of the POCSO Act.

4. The allegation against the petitioner and others is of having assaulted the inmates of the informant's house and trying to outrage the modesty of her daughter.



5. Learned counsel for the petitioner submitted that the allegation against him is totally false and fabricated. It was submitted that the informant has alleged that in the past also, the son of the petitioner i.e., Mantu Mukhiya had tried to outrage the modesty of her daughter, but there was no complaint made anywhere earlier. It was further submitted that in the FIR itself, it has been stated that the petitioner and two others had come asking as to why the informant was spreading rumors and defaming his son which resulted in the alleged incident. Learned counsel submitted that there is no allegation of any attempt to outrage the modesty against the petitioner and he is 60 years of age and is in custody since 22.01.2020, having no criminal antecedent.

6. Learned APP submitted that the petitioner is also alleged to have taken part in the assault. However, he could not controvert the fact that against him, there is no allegation of having tried to outrage the modesty of the daughter of the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District



and Sessions Judge, 1st cum Special Judge, Bettiah, West Champaran in Yogapatti (Nawalpur) PS Case No. 57 of 2016 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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