

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22751 of 2020

Arising Out of PS. Case No.-63 Year-2016 Thana- BASANHI District- Saharsa

=====

Pramod Mukhiya, age 45 years, Male, S/O - Late Gulgali Mukhiya Resident
of Village - Bargaon, P.S. Basnahi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha
For the State	:	Mr. M.K. Nirala, APP
For the Informant	:	Mr. Amarnath Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 15-12-2020 Heard learned counsel for the petitioner and learned
counsel for the State as also counsel for the Informant.

In this case, the petitioner is seeking bail in connection with Record No. Spl. (POCSO) 39 of 2017 (supplementary) arising out of Basnahi P.S. Case No. 63 of 2016 registered for offences under sections 366(A) and 34 of the Indian Penal Code and 4 of the POCSO Act.

In the present case, the petitioner has not been made accused in the charge-sheet but, later on, other three accused persons have been made accused in the F.I.R. wherein allegation has been made that they have kidnapped the victim girl for the purpose of marriage. The girl was rescued and recovered from Jalandhar who has made her statement under



Section 164 of the Cr.P.C. and, by and large, her statement has been made against four persons including the present petitioner but, at the last portion of the statement, it has been stated that the present petitioner has committed rape upon her and, during that period, his wife had caught hold the hand of the victim girl.

Learned counsel for the petitioner submits that it is completely an absurd story that the wife will assist her husband in commission of rape upon a minor girl whereas learned counsel for the Informant submits that with regard to other accused persons, the trial is at advance stage.

The entire incident has been narrated by the girl in which the name of the petitioner is not there but, suddenly, at the last portion of her statement, she has stated that she was put to sexual assault by the petitioner with the help of his wife.

Looking to the entire facts and circumstances of the case, 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 learned Additional District Judge 1st Saharsa in connection with Record No. Spl. (POCSO) 39 of 2017 (supplementary), arising out of Basnahi P.S. Case No. 63 of 2016, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii)



if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

rishi/-

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

