

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31982 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- MADHEPUR District- Madhubani

Nitish Kumar Mukhiya Son of Ayodhi Mukhiya Resident of Village - Banki,
P.S. - Madhepur, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 04-12-2020 Learned counsel of the petitioner assures this court that he shall remove the defects, as pointed out by the office, within four weeks from the date when the court starts physical function.

Heard learned counsel for the petitioner as well as learned P.P. In-charge Mr. Ram Priya Sharan Singh appearing for the State through video conference.

Petitioner is languishing in jail custody since 12.06.2020 in connection with Madhepur P.S. Case No. 200 of 2019 registered for the offences punishable under Sections 363, 366(A), 506/34 of the Indian Penal Code.

The accusation against the petitioner is that he kidnapped informant's minor daughter but the statement of



victim was recorded under Section 164 of the Cr.P.C. in which she admitted that prior to the alleged occurrence she was in love with petitioner but subsequently, she broke her relationship with petitioner.

Although, victim has stated in her statement recorded under Section 164 of the Cr.P.C. that she was forcibly kidnapped by the petitioner yet she admitted that petitioner did no wrong with her and furthermore, she admitted that while she was being carried by the petitioner, she did not raise alarm.

The learned Magistrate, who recorded the statement of victim, assessed her age as 16 years and the impugned order goes to show that medical board found her aged about 17 years. The aforesaid fact goes to show that the victim was matured though she was legally minor at the time of alleged occurrence.

Considering the aforesaid facts and circumstances as well as period of detention of the petitioner in jail custody, let the petitioner, above named, be released on bail provisionally till removal of the defects, as pointed out by the office, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 2nd Jhanyharpur, Madhubani in connection with Madhepur P.S. Case No. 200 of



2019/G.R. No. 1994/2019.

It is made clear that if the defects, as pointed out by the office, are removed within the above stated period, the provisional bail of the petitioner shall be deemed to be confirmed.

(Hemant Kumar Srivastava, J)

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