

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79012 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- SONBERSA District- Saharsa

SHANKAR MUKHIYA Son of Laddu Mukhiya Resident of Village -
Haripur, P.S.- Sonbarsa Raj, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 28-05-2020 Heard Mr. Devendra Kumar Sinha, learned Senior Counsel appearing on behalf of the petitioner, learned A.P.P. for the State and Mr. Raj Dular Sah, learned counsel for the informant.

Petitioner seeks bail in Sonbarsa Raj P.S. Case No.110 of 2019 registered under Sections 363 and 366A of the IPC.

The grandfather of the victim disclosed that Shankar Mukhiya (petitioner) was imparting tuition to his granddaughter for last two years. On 26.07.2019 at about 6:00 in the evening Shankar Mukhiya (petitioner) allured his granddaughter for the purpose of marriage.

Learned Senior Counsel for the petitioner submits that of course the victim disclosed her age to be 16 years but the victim is fully grown up. The victim accompanied the petitioner



without any resistance and this fact itself shows that the victim was a consenting party. The victim herself disclosed in her statement under Section 164 of the Cr.P.C. that the petitioner along with other person got her seated in between them on a motorcycle and confined her in a room but the victim did not make any sort of allegations either of ill-treatment or of outraging her modesty. The petitioner is in jail since 28.07.2019. The petitioner has already remained in jail for ten months.

On the other hand, learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submit that the petitioner kidnapped a minor girl while the petitioner was imparting tuition to the victim.

On perusal of the record and the statements of the victim, it appears that the victim disclosed that while the petitioner was imparting tuition to her, the petitioner received a call on his mobile and disclosed that today the work will be done and thereafter a motorcyclist came there. Shankar (petitioner) and other accused asked the victim to sit on the motorcycle and they took her to a room and kept there. On 28.07.2019 her maternal uncle came and got her freed from the room. The victim disclosed that the petitioner never ill-behaved



or tried to outrage her modesty.

Having considered the facts and the nature of allegations and the fact that the petitioner has already remained in jail for ten months, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount each to the satisfaction of learned J.M. IInd Class, Saharsa in connection with Sonbarsa Raj P.S. Case No.110 of 2019.

(Prabhat Kumar Jha, J)

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