

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6330 of 2020

Arising Out of PS. Case No.-858 Year-2019 Thana- MADHEPURA District- Madhepura

Sushil Mukhiya Son of Mungalal Mukhiya Resident of Village - Manpur,
P.S.- Madhepura (Bharahi O.P.), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 03-06-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in a case registered for the offence punishable under Sections 363 of the I.P.C. and 7, 8 of POCSO Act.

Informant has alleged in his written complaint that when he woke up at 3.00 AM he did not found his daughter who was sleeping on Machan in front of his house. During search made by him, he came to know that one person took away his daughter and thereafter he was caught hold by the villagers who assaulted him. His mobile was also recovered from his pocket



and thereafter petitioner was handed over to police.

It has been submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case due to dirty village politics. There is land dispute between the parties. Statement of victim under Section 164 Cr.P.C. has not been recorded. Petitioner has no criminal antecedent and is in custody since 07.10.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with POCSO Case No. 48 of 2019 arising out of (Bharahhi) P.S. Case No. 858 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two



consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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