

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13032 of 2021**

Arising Out of PS. Case No.-46 Year-2019 Thana- MATIYARIA District- West Champaran

RAMSURAT MUKHIYA S/o Hiralal Mukhiya R/o village- Sherpur, Sirisia,
P.S.- Matiararia, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-08-2021 Heard learned counsel for the petitioner and Mr.
Mohamad Sufyan, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Matiyaria P.S. Case No. 46 of 2019 registered for the offences punishable under Section 363/366/34 of the Indian Penal Code. He is in custody since 29.06.2020. The petitioner has though stated no criminal antecedent but by filing a supplementary affidavit he has stated that there is one case bearing Srinagar (Pujaha) P.S. Case No. 49/2020 under Section 3/4 of the Explosive Substances Act. Learned counsel for the petitioner submits that petitioner is on bail in this case.

As per the prosecution story, the daughter of the informant was married and her Gauna was to be done after five years. On 11.10.2019 at 7:00 P.M. the informant's co-villager

namely, Bhuneshwar Mukhiya, Ramsurat Mukhiya (this petitioner) and Rampati Devi allured her and enticed away from the house of the informant. Informant claims that he searched the victim on several days and on 04.11.2019 he came to know that this petitioner has left the victim near Harinagar Mill, thereafter the informant along with his relatives went there and brought her back.

Learned counsel submits that as per his own statement the informant's daughter went missing from 11.10.2019 and this fact was known to him but he did not lodge any complaint/F.I.R. against this. The victim came back on 04.11.2019, thereafter the present F.I.R. has been lodged on 06.11.2019. Therefore, there is an inordinate delay in lodging of the F.I.R.

Learned counsel further submits that the victim lady is major and the learned Magistrate while recording her statement under Section 164 Cr.P.C. found her 19 years old. She has not made any allegation of commission of indecent act against him.

Learned counsel further submits that the victim/daughter of the informant refused to go for medical examination and in course of investigation several independent witnesses have stated that mother of the victim is Secretary of the School and because of some differences co-accused were

falsely implicated in this case.

Mr. Mohammad Sufyan, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, however on carefully going through the materials collected in the case diary, learned A.P.P. informed this Court that the victim is major and it is correct that she refused to go for medical examination. Learned A.P.P. further informed that the scientific investigation of the mobile call details has shown that the informant and all these persons were talking to each other between 16.10.2019 and 30.10.2019.

Considering the facts and circumstances of the case, the nature of materials before this Court as indicated hereinabove, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, in connection with Matariya P.S. Case No. 46/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal

antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.