

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6425 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- SUPAUL District- Supaul

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YOGENDAR MUKHIYA S/o Late Sukh Deo Mukhiya R/o village- Gopalpur
Sire, P.S. and District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Mukhtar Alam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Supaul P.S. Case No. 146
of 2020, registered for the offence punishable under Sections
363(A), 366(A), 341, 323, 504 and 34 of the Indian Penal Code
and section 8/17 of the POCSO Act.

As per the prosecution case, on 23.02.2020 at 4.00
am, while the informant's wife and daughter (aged about 15
years) had gone to attend the call of nature, co-accused Viren
Mukhiya @ Bihari Mukhiya and three unknown persons came
on two motorcycle and forcibly abducted her. The wife of
informant raised hulla, thereafter villagers came there and they
all reached at the house of Viren Mukhiya and enquired about



the daughter of informant, then this petitioner who is father of Viren Mukhiya gave assurance that daughter of informant is safe and nothing wrong will happen to her. Again on 25.02.2020, when the informant along with his brother went to enquire about his daughter, this petitioner is alleged to have ordered his sons to assault them, thereafter, his son Fekan Mukhiya and Jitu Mukhiya assaulted the informant and his brother.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case because he is father of co-accused Viren Mukhiya. In fact, there is love affair between the victim girl and Viren Mukhiya and none of them returned back to their homes. Petitioner is in custody since 20.03.2020 having clean antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the fact that thrust of allegation of kidnapping is against co-accused Viren Mukhiya and petitioner is his father, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO Act), Supaul in connection with Supaul P.S. Case No. 146 of 2020, subject to following conditions:-



(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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