

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21803 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- NAUTAN District- West Champaran

BIRENDRA KUMAR @ BIRENDRA MUKHIYA @ BHUTELI MUKHIYA
S/O DHRUP MUKHIYA R/o village- Baira, Parsauni, Ward No. 9, P.S.-
Nautan, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 16-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Nautan P.S.
Case No. 404 of 2020 registered for the offences punishable
under Sections 366A, 376 of the Indian Penal Code and
Sections 4/6 of the POCSO Act.

According to prosecution case, the informant alleges
that petitioner had kidnapped her daughter about one month ago
and after search she was brought home. It has further been
alleged that on 05.10.2020 at about 8:00 PM. petitioner again
forcibly kidnapped her daughter with intention of marriage.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



by the prosecution. Learned counsel further submits that in fact, it is a case of love affair between victim and petitioner who wanted to marry with the petitioner. Learned counsel further submits that date of occurrence as alleged in the FIR is 05.10.2020 and the FIR has been lodged on 17.10.2020. Petitioner has no criminal antecedent and is in custody since 18.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released 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) cum A.D.J. VI, Bettiah, West Champaran in connection with Nautan P.S. Case No. 404 of 2020 (POCSO-189/20), subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

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

(Rajesh Kumar Verma, J)

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