

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32945 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- MAHILA P.S. District- Madhubani

1. RAM BILASH MUKHIYA Son of Ram Kishun Mukhiya Resident of Village - Bhith Bhagwanpur, P.S.- Madhepur, Distt.- Madhubani.
2. DINESH MUKHIYA Son of Ram Kishun Mukhiya Resident of Village - Bhith Bhagwanpur, P.S.- Madhepur, Distt.- Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Madhubani Mahila P.S. Case No. 83 of 2020, G.R. No. 48 of 2020 registered for the offences punishable under Sections 376, 323, 341/34 of the I.P.C. and Sections 4, 6 of the POCSO Act.

According to prosecution case, on 09.10.2020 at about 7 PM., when the informant had gone to attend call of nature, co-accused Mahant Mukhiya committed rape on her by putting



knife on her neck. It is further alleged that when the informant's mother narrated this matter to father of Mahanth Mukhiya, Ram Bilash Mukhiya and Dinesh Mukhiya entered into her courtyard having lathi in their hands and abused her and also told that they too would rape her. It is further alleged that they mercilessly assaulted her.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Petitioners have committed no offence as alleged against them in the FIR. Learned counsel further submits that informant of the present case has love affair with son of petitioner no. 1 which is evident from perusal of annexure-2. It is further submitted that victim girl has been examined by the doctor and according to the opinion of the doctor, the victim is aged about 20 years and no sign of rape has been found as mentioned in para 38 of the case diary. Petitioners are in custody since 27.12.2020.

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 petitioners, above named, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum Special Judge, POCSO Act, Madhubani in connection with Madhubani Mahila P.S. Case No. 83 of 2020, G.R. No. 48 of 2020, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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