

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37851 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- JOGAPATTI District- West Champaran

Laxman Mukhiya S/O Chandrika Mukhia R/O Village-Manpur Makari, P.S-
Yogappati (Bathuwaria), District-Bagaha, West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Kumar Dwivedy

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Yogapatti P.S. Case No. 29 of 2021, registered for the offence under Section 366(A) / 376 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, this petitioner alongwith one co-accused are alleged to have abducted the minor daughter of the informant for illicit purpose.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and the falsity of the prosecution case is apparent from the statement of the victim girl recorded under Section 164 Cr.P.C., wherein she has stated that after being admonished by her mother out of anger, she, out of her own will, went to the house of her brother-in-law. She has also disclosed her age as 18 years before the court below.



Petitioner is in custody since 15.01.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as statement of the victim girl recorded under Section 164 Cr.P.C., the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 29 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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