

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9054 of 2021

Arising Out of PS. Case No.-474 Year-2019 Thana- KESARIA District- East Champaran

VISHUN KUMAR @ VISHUN MUKHIYA SON OF UMESH MUKHIYA,
R/O VILLAGE.- BANKAT MAFI, P.S.- KESARIYA, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 05-08-2021 In view of sudden resurgence of COVID–19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner’s Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Kesariya P.S. Case No. 474 of
2019 registered for offence punishable under sections 363 and
366A, 34 of the Indian Penal Code.

Since 17.04.2020 the petitioner is stated to be in



custody. It is submitted that he bears no criminal antecedent.

The allegation is that he has kidnapped the informant's 15 years old daughter with intention to marry her.

The petitioner's counsel submits that the alleged victim was a major. On account of being major, she solemnized marriage with the petitioner and the Certificate of Marriage (Annexure-3 to the bail petition) bears testimony to this fact. The same has been issued by the Marriage Officer Bettiah, District Sub Registrar Cum Marriage Officer, West Champaran and, therefore, the entire prosecution case lodged by the father about 50 days after the alleged occurrence stands belied. The alleged victim was influenced on account of being in custody of her parents, into giving the statement under section 164 Cr. PC supporting the prosecution case. Even in that statement, she has been assessed by the court to be about 17 years old. There is no allegation of establishing any physical relation with the victim.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, East Champaran at Motihari in
Kesariya P.S. Case No. 474 of 2019, subject to the following
conditions:-

(i) That one of the bailors will be a close
relative of the petitioner who will give an affidavit
genealogy as to how he is related with the petitioner.
The bailor will also undertake to inform the Court if
there is any change in the address of the petitioner.

(ii) That the petitioner will be well
represented on each date and if he fails to do so on
two consecutive dates, his bail bond will be liable to
be cancelled.

(Madhuresh Prasad, J)

Mahesh/-

U		T	
---	--	---	--

