

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9050 of 2021

Arising Out of PS. Case No.-193 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

SIKANDAR MUKHIYA SON OF RAM CHANDRA MUKHIYA
RESIDENT OF VILLAGE- KEWATGAMA, P.S- KUSHESHWAR
ASTHAN, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-07-2021

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 Kusheshwar Asthan PS Case No. 193 of 2018 registered under Sections 363, 366(A) and 34 of the IPC.

There is allegation that the informant's daughter had gone to market and from there she has been kidnapped with ulterior motive. The daughter is stated to be 15 years old.

Learned Counsel for the petitioner submits that the implication is based on extraneous consideration. Falsity of the allegation against the petitioner is obvious from the fact that the victim in her three statements; one recorded under Section 161 and



two under Section 164 Cr.P.C., has given contradictory allegation against the petitioner. The falsity is further evident from the fact that the parties have compromised the case. Compromise petition is at Annexure 2 of the bail application. The petitioner has no criminal antecedent and is in custody since 18.9.2020. He is also not named in the FIR.

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 ACJM IV Biraul, Darbhanga in Kusheshwar Asthan, Darbhanga PS Case No. 193 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving 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)

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