

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10481 of 2021**

Arising Out of PS. Case No.-36 Year-2016 Thana- SATHI District- West Champaran

RAJAN MUKHIYA @ SAJAN MUKHIYA@RAJAN KUMAR SON OF
RAMSHARAN MUKHIYA VILLAGE- NINWALIYA, P.S.- MAJHAULIA,
DISTRICT- WEST CHAMPARAN.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Sathi P.S. Case No. 36 of 2016 registered for the offences punishable under Sections 366A/379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant had gone for attending the call of nature and after returning she did not found her own brother and daughter in the house and they could not be traced. It is further alleged that a sum of Rs. 40,000/- and some ornaments were also missing and the same had been taken away after breaking the lock of



a box. The informant had further alleged that the petitioner has taken away her daughter.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the F.I.R. has been lodged after delay of 23 days. Learned counsel submits that the daughter of the informant has come back and has not stated about any indecent act against the petitioner. It is submitted that the petitioner is in custody since 14.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the relationship being that the informant is the sister of the present petitioner, the allegation is that the petitioner had taken away the daughter of the informant, however, when the daughter of the informant came back she has not alleged any indecent act against the petitioner, the petitioner as well as the victim girl have been married in a different family and even the F.I.R. was lodged after 23 days, the petitioner has remained in custody for over eight months, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned IV Addl. District and Sessions Judge, Bettiah, West Champaran in Sessions Trial No. 217 of 2020 arising out of Sathi P.S. Case No. 36



of 2016 subject to the condition as laid down under Section 437 (3)
Cr.P.C. as under :

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to
the offence of which he is accused, or suspected, of the commission
of which he is suspected, and

(c) that such person shall not directly or indirectly make
any inducement, threat or promise to any person acquainted with the
facts of the case so as to dissuade him from disclosing such facts to
the Court or to any police officer or tamper with the evidence.

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

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

