

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10909 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- MARAUNA District- Supaul

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MADAN MUKHIYA Son of Ramchander Mukhiya Resident of Village -
Pandey Patti, Khangarpur, P.s.- Marauna, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Marauna
P.S. Case No. 133 of 2021 registered for the offence under
Sections 341, 323, 354, 366A, 504 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.10.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant along with other co-accused
persons, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that bare perusal of the FIR, it appears that specific allegation as regard to kidnap is against co-accused, namely, Sriram Mukhiya and nature of allegation against the petitioner is very general and omnibus. It has further been submitted that the petitioner is a man of clean antecedent and falsely been implicated in this case due to neighbouring and local village issues. While concluding the argument, it has been submitted that charge-sheet has been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nature of allegation is very general and omnibus.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping is against co-accused and nature of allegation against the petitioner is very general and omnibus coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Marauna P.S. Case No. 133 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VI, Supaul, subject to the following conditions:



“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Maheshwar Mukhiya @ Maheshwari Mukhiya, who is the Nana of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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