

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51238 of 2021

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

1. CHOTELAL MUKHIYA S/o LATE BHUALI MUKHIYA R/o VILLAGE-BANKAT, P.S- KESHARIYA, DISTRICT-EAST CHAMPARAN.
2. CHANDRIKA MUKHIYA S/o RAMPRIT MUKHIYA R/o VILLAGE-BANKAT, P.S- KESHARIYA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2022 Heard the learned counsel for the petitioners and the learned APP for the State through Video Conferencing.

The petitioners seek bail in connection with Kesariya P.S. Case No. 474 of 2019, instituted for the offences under Sections 363, 366(A)/34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 07.07.2021 are persons with clean antecedent, charge-sheet has been submitted.

The learned counsel for the petitioners further submits that the allegations is that the informant's 15 years old daughter was kidnapped by the accused persons including the petitioners to marry her. The petitioner's counsel submits that the alleged



victim was a major, on account of being major, she solemnized marriage with Vishun Kumar and the certificate of marriage was issued by the Marriage Officer, Bettiah-cum District Sub Registrar, West Champaran and, therefore, the entire prosecution case lodged by the father about after 24 days of the alleged occurrence stand belied. The learned counsel further submits that the alleged victim was influenced on account of being in custody of parents and thus gave her statement under Section 164 Cr.PC. supporting the prosecution case. The learned counsel further submits that in her statement under Section 164 Cr.P.C., she has been assessed by the Court to be about 17 years old and there is no allegation of establishing any physical relation with the victim. The learned counsel further submits that co-accused Vishun Kumar @ Vishun Mukhiya had been granted bail by a Coordinate Bench of this Court vide order dated 05.08.2021 passed in Cr. Misc No. 9054 of 2020.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioners are in custody since 07.07.2021, charge-sheet has been submitted and FIR was instituted after delay of 24 days and co-accused has been granted bail by this Court, the petitioners, above-named, are



directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Kesariya P.S. Case No. 474 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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