

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56298 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- TAJPUR District- Samastipur

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ASHOK MUKHIA @ ASHO MUKHIA @ AASHO MUKHIYA, Son of
Jageshwar Mukhia @ Jageshwar Mukhiya Resident of Village- Bithan Ward
No.4, P.S.- Bithan, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, App

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-03-2022 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 366, 366A/34 of the Indian
Penal Code.

Informant has alleged in her written complaint that
while her minor daughter Raushani Kumari, aged about 15 years
used to go to school, one co-villager, Amol Kumar along with
his friends used to tease her and on 9.5.2021, she sent her
daughter to her sister's house and it is further alleged that on
13.05.2021 at about 7:00 p.m., when she went to market to
purchase groceries, FIR named accused including the petitioner
abducted her. Informant suspected that FIR named accused
including the petitioner abducted her.

The girl has been recovered and in her statement made under Section 164 of Cr.P.C., she has stated that as she was always scolded and beaten by her mother, she left her parents house and went to her Mausi's house and from there, she went to her friends house and a false case of abduction has been instituted by her mother.

The age of the victim girl has been assessed on the basis of matriculation certificate in which date of birth has been recorded as 03.07.2005. There is no specific allegation against the petitioner and allegation is against one Anmol Kumar of teasing the daughter of the informant and also suspecting him and others of her abduction, however, the victim girl has denied that she has been abducted and she stated that she went on her own volition and willingness.

Petitioner has no criminal antecedent and he is in custody since 11.06.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Tajpur P.S. Case No. 212/2021 with following conditions:-

(1) Bailors should be local having sufficient

immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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