

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56381 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- HARLAKHI District- Madhubani

1. Krishna Mukhiya Son of Kishori Mukhiya R/o Village- Kauwaha Barhi, P.S.- Harlakhi, District- Madhubani.
2. Ram Abtar Mukhiya @ Ram Avatar Mukhiya S/o Nirdhan Mukhiya R/o Village- Mangarhatha Laxmipur, P.S.- Khirhar, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2022 Heard learned counsel for the petitioners and
learned A.P.P. Mr. Rajeev Nayan for the State

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with
Harlakhi P.S. Case No. 17 of 2021 instituted for the offences
under Sections 376, 376(A), 376(D) and 34 of the Indian Penal
Code read with Section 3 and 4 of the Pocso Act.

Learned counsel for the petitioners submits that the
petitioners are in custody since 13.1.2021, are person with clean
antecedent and charge-sheet has been submitted.

Learned counsel for the petitioners submits that the



informant alleges that his sister aged about 17 years is deaf and dumb and had taken the goats for grazing on 12.1.2021, further the neighbour of the informant came running and informed that victim is lying in an injured condition, accordingly, the informant along with villagers rushed towards the place of occurrence and on the way saw Laxmi Mukhiya coming from the site of the place of occurrence in a nervous condition and his pant, clothes and face smeared with blood, further the informant along with villagers reached the place of occurrence and saw her sister an injured condition and her eyes were damaged. Accordingly, she was sent to hospital for treatment.

Learned counsel for the petitioners submits that the petitioners are not named in the FIR. Their names came in the confessional statement of Laxmi Mukhiya, the confessional statement does not have any evidentiary value in the Eyes of Law and the petitioners are persons with clean antecedent.

Learned A.P.P. for the State vehemently opposes the bail application and submits that in the FIR itself it is alleged that the informant along with villagers saw Laxmi Mukhiya coming from the side of the place of occurrence in a nervous condition with his face, clothes smeared with blood, further the victim was also found injured in a very brutal state and was



completely blinded as she was brutally assaulted on the eyes even, the learned APP thus submits that the circumstances in which Laxmi Mukhiya was seen and the condition of the injured directly links the petitioners with the offence, as their names were taken by Laxmi Mukhiya in his confessional statement that the petitioners also participated in the crime. Thus, for the present, for the purposes of bail, the petitioners do not deserve bail.

In view of the submission made by the learned APP, the Court is not inclined to grant bail to the petitioner, and thus it is rejected.

(Satyavrat Verma, J)

Ravi/-

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