

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23797 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- BAHERI District- Darbhanga

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Ram Laddu Mukhiya, Son of Late Dashrath Mukhiya, resident of
Village/Mohalla- Pakri PS.- Baheri Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Baheri P.S. Case No. 354 of 2022, registered for the alleged offences under Sections 341, 323, 354, 366A, 379, 504 and 34 of the Indian Penal Code.

3. As per prosecution case, the co-accused persons kidnapped the minor daughter of the informant and when the informant with his wife went to the house of the petitioner, the petitioner and his co-accused son Ramesh Mukhiya put down the wife of the informant and hit in her private part with legs and also tore her clothes. The informant has further alleged that the co-accused Ramesh Mukhiya snatched the *Mangalsutra* from the wife of the informant. The informant has also alleged



that the family of the co-accused Ramesh Mukhiya is involved in flesh trade and illicit business of liquor.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The statement of the victim girl was recorded but she did not allege any specific overt act against this petitioner. The FIR has been registered after a delay of four days for which there is no satisfactory explanation. This fact also supports the contention of the petitioner that the victim girl herself left her house and voluntarily went outside and the petitioner has no role in her disappearance. There is contradiction even in the statement of the victim under Section 164 Cr.P.C. and the written report given by the informant wherein she has stated that Ramesh Mukhiya was present in his house. The learned counsel further submits that the allegation against the petitioner is general and omnibus that is for assaulting the informant and his wife, but the petitioner is aged about 68 years and no offences under Sections 366A, 354, 379 IPC is made out against the petitioner from the facts of the case. Even if the prosecution case is taken to be true, then only a case under Section 363 IPC would be made out for taking away a minor girl from her lawful guardianship against



the other co-accused persons and not this petitioner. The petitioner is in custody since 09.11.2022 and the charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned A.P.P. and learned counsel for the informant oppose the prayer for bail. The learned counsel for the informant submits that the petitioner has concealed his criminal antecedent and there is specific allegation against the petitioner that he hit on the private part of the wife of the informant.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the non-serious nature of allegation against the petitioner and further considering his period of custody along with clean antecedent and also considering the submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga, in connection with Baheri P.S. Case No. 354 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, before accepting the bail bonds of the petitioner, the learned trial court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner has concealed his criminal antecedents, his bail bonds would not be accepted.

(Arun Kumar Jha, J)

V.K.Pandey/-

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