

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34729 of 2023

Arising Out of PS. Case No.-225 Year-2021 Thana- SAKRA District- Muzaffarpur

MITHLESH MUKHIYA @ MITHILESH MUKHIYA Son of Late Shankar Mukhiya Resident of village - Chhapra Bahod, Bazi Buzurg, P.S. - Sakra, Distt. - Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 364 of the Indian Penal
Code.

3. As per prosecution case, the informant married his
daughter with this petitioner in the year 2016 and a son was
blessed by their wedlock. It is further alleged that petitioner and
his family members always used to torture the informant's



daughter to drive her away from her house. On the date of occurrence, the police came to the informant's house and said that his daughter and grandson is traceless.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the petitioner has filed a complaint case No. 3088 of 2019 dated 18.10.2019 u/s 363, 368, 372, 384 of the Indian Penal Code against the informant for making traceless of his wife and son. From the perusal of the petitioner's complaint petition (Annexure-2) that the present case is a counter case of the petitioner's complaint petition, which is filed just after four days of the petitioner's complaint petition, which clearly shows that the present case has been filed due to ulterior motive of the informant. From the perusal of the para-61 of the case diary, it shows that the informant's daughter (wife of the petitioner) lives in her paternal house with her father (informant). He is languishing in judicial custody since 29.01.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Sakra P.S. Case No. 225 of 2021.

(Sunil Kumar Panwar, J)

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