

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43035 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SINDHIYA District- Samastipur

JAY KRISHN MUKHIYA Son of Late Ganesh Mukhiya Resident of Village -
Morbaara, P.S.- Singhiya, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar, Adv

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 3 06-09-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner is apprehending his arrest in
connection with Singhiya P.S. Case No. 20 of 2023 registered
for the offence punishable under Section 363, 366A/34 of the
Indian Penal Code.
3. It is alleged that the informant's daughter has been
kidnapped by the petitioner and his family members, including
his mother.
4. Learned counsel for the petitioner submits that the
petitioner has been implicated in this case falsely which is
evident from statement of the victim recorded under section 164
Cr.PC, which has been recorded in the case diary. The victim
has not named the petitioner and she has also not alleged any



mistreatment by any person. Both parties are known to each other being of the same locality. The implication of the petitioner along with his mother, father and other members of the family is on extraneous considerations. The victim is also nearly 18 years old and the petitioner has no antecedents. The FIR has been lodged four days after, she has gone missing.

5. Learned APP for the State has opposed the prayer for pre-arrest bail. He submits that she, in her statement under section 164 Cr.PC, has stated about being confined for some days. He is however not in a position to show that the victim in her statement has named the petitioner.

6. Considering the rival submissions, clean antecedent, statement of victim recorded under Section 164 Cr.PC as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



J.M. 1st Class, Rosra, in connection with Singhiya P.S. Case No. 20 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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