

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48711 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- HARLAKHI District- Madhubani

1. UPENDRA MUKHIYA Son of Shree Ram Varan Mukhiya Resident of Village - Fulhar, P.S.- Harlakhi, District - Madhubani.
2. Santosh Mukhiya Son of Shree Chandra Mukhiya Resident of Village - Fulhar, P.S.- Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

The petitioner apprehends his arrest in connection with Harlakhi P.S. Case No. 111 of 20-22 for the offence registered under Sections 363 and 366(A) of the Indian Penal Code and Sections 8 & 12 of the POCSO Act.

The allegation in the FIR is that the informant's minor daughter went to attend the 'Matkor' programme of the daughter of Jeebach Mukhiya and when she failed to return, they came out of her search, the villagers informed that Rahul Kumar and Manish Kumar had taken her on a vehicle with the intention of



marriage. The further allegation is that the other accused persons cooperated them in kidnapping of the daughter of the informant. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the specific allegation has been made against Rahul Kumar and Manish Kumar for taking away the daughter of the informant for the purpose of marriage. The other accused persons including the petitioners herein have merely been roped in without any material facts.

Learned APP for the State opposes the prayer for bail.

Taking into account the fact that the specific allegation is against Rahul Kumar and Manish Kumar that they took the informant's daughter on a vehicle and the petitioners do not have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -VII-cum Special Judge (POCSO), Madhubani in connection with Harlakhi P.S. Case No. 111 of 2022, subject



to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha-

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