

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55379 of 2023

Arising Out of PS. Case No.-63 Year-2016 Thana- BASANHI District- Saharsa

1. Dilkhush Mukhiya S/O Akal Mukhiya Resident Of Village-Bargaon, P.S-Basnahi, Distt.- Saharsa.
2. Mithilesh Mukhiya S/O Sudhir Mukhiya Resident Of Village-Bargaon, P.S-Basnahi, Distt.- Saharsa.
3. Sakal Mukhiya S/O Jhakas Mukhiya Resident Of Village-Bargaon, P.S-Basnahi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-08-2023 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have preferred this application for grant of regular bail in connection with POCSO Case No. 139/2017, arising out of Basanhi P.S. Case No. 63 of 2016 dated 20.09.2016 registered for the offences punishable u/s 366A read with 34 of the Indian Penal Code and Section 4 of the POCSO Act.



4. As per the prosecution case, the co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners have sprung up during the course of investigation. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 15.12.2020 passed in Cr. Misc. No. 22751 of 2022. Learned counsel further submitted that there is no material on record which shows that the victim was forced to have illicit relationship with another person. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 24.08.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with POCSO Case No. 139/2017, arising out of Basnahi P.S. Case No. 63 of



2016.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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