

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6991 of 2024

Arising Out of PS. Case No.-144 Year-2018 Thana- RAMGARHWA District- East
Champaran

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Bhikhar Mukhiya @ Bhikhari Mukhiya Son of Kapildeo Mukhiya R/o vill -
Gudra, P.S. - Majhauilya, Distt. - West Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Sharda Nand Mishra, learned counsel for

the petitioner and Mr. Nand Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Ramgarhwa P.S. Case No. 144 of 2018, F.I.R.
dated 04.07.2018 for the offences punishable under Sections
366(A)/34 of the Indian Penal Code and Section 8 of POCSO
Act.

3. According to prosecution case, this petitioner
kidnapped the informant's daughter for the purpose of marriage.

4. Learned counsel for the petitioner submits that
earlier the petitioner has been implicated in Ramgarhwa P.S.
Case No. 249 of 2018 under Section 366(A)/34 and Section 8 of
the POCSO Act for the same offence which was filed by the
informant and in that case the petitioner has been granted
anticipatory bail. He further submits that the petitioner is
innocent and he has falsely been implicated in the present case.



He further submits that the present F.I.R is instituted for the same offence only to harass the petitioner. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has performed marriage with her and now she is living with the petitioner in his house.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 144 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. One of the bailors shall be the victim, namely,



Bhagmani Devi @ Bhagmani w/o Bhikhar Mukhiya @ Bhikhari Mukhiya, R/o Village-Gudra, P.S. Majhauriya, District- West Champaran.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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