

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26526 of 2024

Arising Out of PS. Case No.-16 Year-2021 Thana- MAJHAULIA District- West Champaran

Bikau Kumar, aged about 21 Y/M, S/O Sri Vira Mukhiya, R/O Village-
Chanayan Van, P.S- Majhaulia, Distt.- West Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Mohan Mukhiya, S/O Late Maharaj Mukhiya, R/O Village- Chanayan Van,
Tola- Ninwalia, Ward No. 06, P.S- Majhaulia, Distt.- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Sharad Kumar Verma, Advocate
For the State : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Majhaulia P.S. Case No. 16 of 2021 dated 08.01.2021 registered for the offences punishable under Sections 363, 366A/34 of the I.P.C. and Sections 8/12 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused kidnapped the minor daughter of the informant for wrong purposes. When the informant went to make complaint to



the family members of the petitioner, his parents misbehaved with him and threatened to kill him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the alleged occurrence took place on 25.11.2020 and the F.I.R. has been lodged on 08.01.2021 after a lapse of 44 days for which no explanation has been given by the prosecution. It is further submitted that the victim was recovered and her statement under Sections 161 and 164 of the Cr.P.C. has been recorded in which she has stated that there was love affair between the parties and out of her own sweet will, she has performed the marriage with the petitioner. It is further submitted that there is nothing on record to show that she was forced to have illicit relationship with another person. The other co-accused persons Bira Mukhiya and Sita Devi have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 52254 of 2022 under order dated 12.01.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail petition of the petitioner and has further submitted that there is direct allegation of kidnapping the minor



daughter of the informant.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-the Special Judge, POCSO Act, West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 16 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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