

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60132 of 2024**

Arising Out of PS. Case No.-57 Year-2024 Thana- DARPA District- East Champaran

1. Binod Mukhiya Son of Gopachan Mukhiya @ Gopachan Mukhya R/o Village- Rampur Pakariya Tola, P.S.- Darpa, District- East Champaran
2. Gopachan Mukhiya Son of Late Yadav Mukhiya R/o Village- Rampur Pakariya Tola, P.S.- Darpa, District- East Champaran
3. Geeta Devi Wife of Binod Mukhiya R/o Village- Rampur Pakariya Tola, P.S.- Darpa, District- East Champaran
4. Ram Pravesh Kumar Son of Binod Mukhiya R/o Village- Rampur Pakariya Tola, P.S.- Darpa, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhu Ray Son of Late Dwairpali Rai R/o Village- Rampur Pakariya Tola, P.S.- Darpa, District- East Champaran

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate  
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      11-09-2024                      Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Dr. Mrityunjaya Kr. Gautam, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 57 of 2024, F.I.R. dated 17.04.2024 registered for the offences punishable under Sections 363, 366A, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. Allegation against the petitioners is that they along



with co-accused Ramsharan Mukhiya had kidnapped the informant's minor daughter for the purpose of marriage.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the victim was in love with the son of petitioner no. 2 and as per her statement recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she was in love with the son of petitioner no. 2 and she voluntarily gone to Bangalore with the son of petitioner no. 2, namely, Ramsharan Kumar and she has not stated anything about these petitioners. He further submits that petitioner no. 1 is brother of co-accused Ramsharan Kumar, petitioner no. 2 is father, petitioner no. 3 is sister-in-law, petitioner no. 4 is brother of co-accused Ramsharan Kumar.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and the victim girl has not stated anything about these petitioners, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 7<sup>th</sup> Additional Sessions Judge cum Special Judge POCSO, Motihari at East Champaran in connection with Darpa P.S. Case No. 57 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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