

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75900 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

BHAGWAN LAL MUKHIYA S/O SRI HARE RAM MUKHIYA R/O
VILLAGE- ITHAR, P.S- KUSHESHWAR ASTHAN (K. ASTHAN), DISTT.-
DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arjun Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-03-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Kusheshwar Asthan Police Station Case No. 264 of
2023, dated 27.07.2023, disclosing offences punishable
under Sections 363/365 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that the sister of the informant, aged about 15 years, has
been kidnapped by co-accused Avinash Kumar, with the
help of the petitioner and other.
4. Learned Counsel for the petitioner submits that the
petitioner is the maternal uncle of co-accused Avinash
Kumar. There was love relationship with the victim girl



and co-accused Avinash Kumar. The statement of the victim girl was recorded under Section 161 of the Code of Criminal Procedure, 1973, on 30.07.2023, when the victim girl was recovered and in her statement before the police, she has stated that she left her home upon being scolded by her mother and was going to her uncle's place, in Punjab. After one day of the statement of the victim girl under Section 161 of the Code of Criminal Procedure, 1973, on 31.07.2023, the statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has changed her earlier statement made before the police under pressure from the family and now has stated that she was kidnapped from her courtyard at about 3 AM; whereas, as per the allegation made in the First Information Report, she had allegedly left her home for attending nature's call at about 5 AM. He further submits that co-accused Avinash Kumar and Jailal Mukhiya have been granted anticipatory bail by the learned District Court itself.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the contradiction in the two statements of the victim girl and



the fact that two other co-accused persons have been granted bail by the learned District Court, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 learned Sub Divisional Judicial Magistrate, Biraul, Darbhanga, in connection with Kusheshwar Asthan Police Station Case No. 264 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

