

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23217 of 2025

Arising Out of PS. Case No.-111 Year-2022 Thana- HARLAKHI District- Madhubani

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Rahul Kumar @ Rahul Kumar Mukhiya Son of Ram Sharan Mukhiya
Resident of Village - Phulhar, P.S. - Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari D/o Ram Nath Yadav, R/o Village- Phulhar, P.S. Harlakhi,
Dist- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Ratnakar Jha, learned counsel for the

petitioner and Mr. Madan Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Harlakhi P.S. Case No. 111 of 2022, F.I.R. dated 26.04.2022 registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. Allegation against the petitioner is that he kidnapped the daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. As per allegation in the F.I.R., the petitioner has abducted the daughter of the informant. Learned



counsel for the petitioner submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact, the petitioner was in love with the victim who happens to be the daughter of the informant and the statement of the victim girl was recorded under Section 164 of the Cr. P.C./Section 183 of B.N.S.S, 2023 in which she has categorically stated that she has performed the marriage with the petitioner and she is living with the petitioner as his wife in his house. He further submits that co-accused persons namely Upendra Mukhiya and Santosh Mukhiya have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 06.01.2023 passed in Cr. Misc. No. 48711 of 2022.

5. Learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioner and submits that although the victim has categorically stated that she has performed the marriage with the petitioner but the date of birth of the victim is 08.02.2007 which suggests that on the date of occurrence the victim was minor.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and he has performed the marriage with the victim and victim is living with the petitioner as his wife, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), Madhubani in connection with Harlakhi P.S. Case No. 111 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) One of the bailors should be the victim namely, Kiran Kumari.

(2) 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.

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

(4) 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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