

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33875 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- CHORAUT District- Sitamarhi

Mintu Mukhiya @ Mantu Mukhiya @ Mantu Kumar S/o- Kewal Mukhiya
Resident of village- Jankinagar PS- Madhwapur District- Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Biltu Mukhiya S/o- Late Dhanushi Mukhiya Village- Bhutaha Po- Meghpur (Medhpur), Ps- Chorarut Dist- Sitamarhi

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 08-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Choraut P.S. Case No. 87 of 2024 registered for the

offences under Sections 363, 365, 366(A), 34 of the Indian

Penal Code and section 10 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 22.01.2025.

4. Allegation against the petitioner is to kidnap the

minor grand-daughter of the informant aged about 17 years

and thereafter committed sexual assault upon her after



taking her to Aasam.

5. It is submitted by learned counsel appearing on behalf of the petitioner that victim is the sister-in-law of elder brother of the petitioner and out of said relation, they were in relationship. It is submitted that out of said relationship, they visited to Aasam and stayed together for some days, but as the relationship of petitioner with the victim was not approved by parents of the victim, the present false case was lodged.

6. It is submitted that the victim refused for her medical examination and therefore in want of corroborative material, it cannot be said that rape/penetrative sexual assault was committed upon the victim. It is pointed out that the facts as narrated by the victim regarding her self-rescue is also not convincing and making the occurrence doubtful. It is pointed out that due to certain dispute arising out of previous relationship between the two families, the present false implication was raised making the victim instrumental for present occurrence.

7. Arguing further, it is submitted that despite of



custody for about one year, till date not even single witness including victim was examined by the learned trial court. This statement was made at the bar by Mr. Birendra Kumar, learned counsel appearing for the petitioner and, therefore, it is pointed out that in view of aforesaid, it can be safely said that the trial of this case is not likely to conclude in near future.

8. Learned A.P.P. for the State is present.

9. Despite valid service of notice, none appeared on behalf of the informant to join the present proceeding.

10. In view of aforesaid factual submission and by taking note of the custody period of the petitioner as he remains in custody since 22.01.2025, with no progress of trial, coupled with the fact that investigation of this case is already concluded, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi/concerned court, in connection with Choraut



P.S. Case No. 87 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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