

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60455 of 2025

Arising Out of PS. Case No.-156 Year-2025 Thana- BANMANKHI District- Purnia

Monu Mukhiya @ Mannu Mukhiya @ Shankar Mukhiya @ Shankar Kumar
@ Satto Mukhiya S/o Bohlal Mukhiya @ Bauval Mukhiya @ Sati Mukhiya
@ Santo Mukhiya @ Bowa Lal Mukhiya Resident of Vill- (Madhura)
Rajgadh Modra Madhura, P.S.- Kishanpur, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi W/o Dinesh Mallah R/o Vill- Dhokar Dhara, Ward No. 26,
P.S.- Banmankhi, Distt- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Bhagat, Adv.
For the Opposite Party/s	:	Mr. Manoj Kumar, Adv.
For the Informant	:	Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Banmankhi P.S. Case No. 156 of 2025 registered for the
offence under Sections 137(2), 96, 64(1) of BNS and section
4, 6 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 29.05.2025.

4. As per FIR, the petitioner who is younger brother
of son-in-law of the informant kidnapped the minor daughter
of informant aged about 17 years on pretext of false promise
of marriage.

5. Learned counsel appearing on behalf of the



petitioner submitted that due to certain property disputes as the petitioner is coparcener of the son-in-law of the informant, making her unmarried daughter aged about 17 years instrumental implicated this petitioner falsely with present case. It is submitted that informant and also the victim was well aware of the marital status of the petitioner who is apparent from the FIR itself, therefore, there is no occasion to extend promise of marriage to the victim. It is submitted that victim herself approved her affairs with petitioner while recording her statement under Section 183 of BNSS, further more she refused to join medical examination and in want of same it is difficult to gather that any sexual assault as alleged was committed upon her. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Arvind Kumar learned counsel for the informant while opposing the prayer of bail submitted that the allegation is specifically available against this petitioner but he could not disputed the aforesaid



factual submission of learned counsel for the petitioner.

7. In view of aforesaid factual submission and by taking note of fact as being close relative, the victim and informant both *prima-facie* appears to be aware about the marital status of petitioner, where victim herself approved her love affairs with petitioner while recording her statement under Section 183 of the BNSS, coupled with fact that investigation of this case already completed where petitioner remains in custody since 29.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Banmankhi P.S. Case No. 156 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge VIth cum Spl. Judge, POCSO, Purnea /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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