

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80583 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- MADHEPUR District- Madhubani

Raj Kumar Mukhiya S/o Kusheshwar Mukhiya R/o Village- Pachahi, Ward
No.14, PS- Madhepura, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Suynder Mukhiya S/o Late Kari Mukhiya R/o vill - Pachahi, ward
no. 14, P.s. - Madhepur, Distt.- Madhubani, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-02-2025 Heard learned counsel for the petitioner and learned

APP for the State. No one appears on behalf of the O.P. No.2.

Perused the case diary.

2. The petitioner seeks bail in connection with

Madhepur P.S. Case No. 78 of 2024 instituted for the offences

under Sections 363, 366(A), 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the

accused persons including the petitioner is of kidnapping the

Informant's daughter.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and he has been falsely implicated in the

present case with false and frivolous allegations and due to land



dispute. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner has been living outside the village for about three years after separation from his brother to support his children. The Informant and the accused are co-sharer to each other. There is a love affairs between the victim and Shiv Nath Mukhiya and both are living happily. Learned counsel for the petitioner further submits that the victim girl has been recovered and her statements were recorded under Sections 161 of the Cr.P.C. and Section 180 of the B.N.S.S. but, she has not made any allegation of any overt act against the petitioner. The victim girl has refused for the medical examination. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim has been recovered and, in her statements recorded under Sections 161 Cr.P.C. and 180 B.N.S.S. has not made any specific allegation against the petitioner. Charge-sheet has been submitted under Sections 363, 366(A), 34 of the Indian Penal Code. The petitioner is also named in the F.I.R. and, hence, he does not deserve bail.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent and taking into account the statement of the victim girl recorded under Section 180 of the B.N.S.S., let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepur P.S. Case No. 78 of 2024.

(Rudra Prakash Mishra, J)

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