

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90369 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- NAUTAN District- West Champaran

Dhirendra Mukhiya @ Dhurendra Kumar Son of Rajbali Mukhiya Resident of
Ward No. 08 Bairiya, P.S. - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Imaginary Name of the Informant) Wife of Dwarika Sahani Resident of
Village - Ward No. 7 South Telhua, P.S. - Nautan, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Rajdeep Kumar, Advocate

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

ORAL ORDER

3 27-03-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Nautan
P.S. Case No. 216 of 2024 instituted for the offence under
Sections 363, 366A of the Indian Penal Code and Section 8 of
the POCSO Act.

3. Prosecution case in short is that the informant and
her daughter were outside when petitioner and others allegedly
abducted her daughter in a Bolero, assaulting the informant
when she protested. The accused claimed that they were taking
the victim for marriage. When the victim did not return, the
informant's family inquired, but they were abused and



threatened by the accused's family.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05-10-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to statement of the victim recorded under Section 164 of the Cr.P.C., learned counsel for the petitioner submits that victim had gone with the petitioner at her own volition and she has solemnized marriage with the petitioner. Learned counsel next referring to medical report, submits that there is no sign of sexual assault found. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Witnesses have supported the prosecution case and there is direct and serious allegation levelled against the petitioner, hence, he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, statement of the victim recorded u/S 164 of Cr.P.C. and charge sheet being



submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Nautan P.S. Case No. 216 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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