

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28170 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Raju Miya, son of Hoda Miya @ Amrudin Hoda Miya, Resident of
Village- Siarosati Guruwaliya, P.S.- Manuaapul, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.03.2017 in connection with Muffasil P.S. Case No. 107 of 2017
for offences punishable under Sections 366-A and 120-B of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was engaged in the marriage of his elder daughter,
his younger daughter, aged 12 years, was kidnapped by the
accused persons including the petitioner for the purpose of
marriage to one Dilshan Miyan.

It has been submitted by the learned counsel for the



petitioner that he is innocent, there is no criminal history and just because he was the father of Dilshan Miyan, he has been made accused in the present case. He submits that the victim girl, in her statement under Section 164 Cr.P.C. has not named anyone and no overt act has been alleged to have been committed by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl is a minor and in her statement under Section 161 Cr.P.C., she has named Dilshan Miyan.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 107 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required



and failure to appear on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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