

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10650 of 2017

Arising Out of PS.Case No. -555 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Moharam Miya @ Moharram Miya son of Pir Mohmad Miya resident of
village - Majuraha, P.S. - Raghunathpur, District - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 27-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Turkauliya
(Raghunathpur O.P.) P.S. Case No. 555 of 2016 registered for the
offence punishable under Sections 366A/34 of the Indian Penal
Code.

Allegedly, the minor daughter of the informant was
kidnapped by the petitioner and other co-accused due to enmity.
During investigation the victim girl was recovered and her
statement was recorded under Section 164 Cr.P.C. wherein she has
named the petitioner that the petitioner was also present along
with others in the room where she was kept but has not stated
regarding any sexual assault committed to her. She further states



that she was brought by other co-accused Saddam Miyan and Shakur Mian on motorcycle and she was left at Lengra Chauk.

Submission is of false implication and that no occurrence as alleged has taken place and only with a view to take revenge due to enmity the petitioner and others have been implicated in this case, the victim herself appeared and as such the petitioner who is suffering in custody since 14.12.2016 deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner is named in the statement recorded under Section 164 Cr.P.C also.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkaulia (Raghunathpur O.P.) P.S. Case No. 555 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two



consecutive dates on his part without any reason shall disentitle
the petitioner from privilege of bail.

avin/-

(Jitendra Mohan Sharma, J)

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