

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34179 of 2019

Arising Out of PS. Case No.-299 Year-2015 Thana- ARA MUFFSIL District- Bhojpur

BUTAN MIA S/o Israil Mia R/o village- Kundesar, P.S.- Sahpur, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Rajeev Nayan (App 231)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Ara Muffasil P. S. Case
No. 299 of 2015 instituted for the offence under Section(s)
365, 366A, 504/34 of the Indian Penal Code.

Learned counsel for petitioner submits that earlier,
the victim had filed a case against this petitioner vide
Muffasil P.S. case no. 241 of 2015 and the girl was recovered
from house of this petitioner. It is further alleged that this
petitioner has again kidnapped his daughter on 14.08. 2015.

Learned counsel for petitioner submits that police has
found the Muffasil P.S. case no. 241 of 2015 false and has



submitted final form. The photo copy of the FIR of Muffasil P.S. case no. 241 of 2015 has been produced during hearing of bail petition which is taken on record. He further submits that petitioner is married man. In the instant case also, victim has given her statement under section 164 Cr.P.C, which is annexed as Annexure-3 to bail petition, wherein, she has stated that the petitioner is a married person. He had abducted her with help of other persons and also committed illegal act with her. The victim has been medically examined and doctor has found no external injury and no spermatozoa either Alive/Dead. So, it is not definite either rape is done or not.

Learned counsel for petitioner further submits that he has made statement in para 11 of bail petition that after investigation police has filed charge sheet under sections 363/366A/376/34 of the IPC and Section 4 POCSO Act without any material evidence.

Petitioner is in custody since 22.1.2019.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Bhojpur, Ara in connection with Ara Muffasil P. S. Case No. 299 of 2015 subject to the



condition that both the bailors shall be the close relative of the
petitioner.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

