

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16689 of 2020

Arising Out of PS. Case No.-222 Year-2018 Thana- SIKARPUR District- West Champaran

1. MANAN MIYAN S/O Samsuddin Mian Resident of Village- Judimian Tola (Kehuniya), P.S. - Shikarpur, District - West Champaran.
2. Fatima Khatoon W/O Hasmullah Mian Resident of Village- Judimian Tola (Kehuniya), P.S. - Shikarpur, District - West Champaran.
3. Salamun Nesha Wife of Abbas Alam Resident of Village- Judimian Tola (Kehuniya), P.S. - Shikarpur, District - West Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in Shikarpur
P.S. case No. 222 of 2018 registered for the offences
punishable under Sections 376 & 366A/34 of the Indian Penal
Code and Section 12 of POCSO Act, pending in the Court of
learned Additional Sessions Judge 1st-cum-Special Judge,
West Champaran at Bettiah.

The prosecution case, in brief, is that on
12.06.2018 at 6 PM informant's daughter went towards



Soidhera side to attend call of nature and she did not return a search was made and it was learnt that co-accused Ibrahim Alam, who resides in Delhi, had kidnapped her in association of other co-accused. A suspicion was also made that she may be sold.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive at the instance of local inimical persons. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, the informant's daughter herself went to Delhi with her cousin Shamsheer and on her return a tutored statement was recorded under influence of the informant. There is inordinate and abnormal delay of three days in filing the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that from perusal of paragraph-2 of the case diary, it is evident that the victim girl has fully supported the occurrence in her restatement. Besides that in paragraph 6, 7 & 8 the witnesses have also supported the



occurrence. Hence, the petitioners do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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