

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14006 of 2020

Arising Out of PS. Case No.-117 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Mahamddin Mian, aged about 25 years (M), Son of Late Shamsher Mian
Resident of Village - Ghorasahan Birta Chauk, P.S. - Ghorasahan, District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 25-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in
connection with Ghorasahan P.S. Case No. 117 of 2019
registered for offences under sections 363, 366A, 504, 306/34 of
the Indian Penal Code.

As per allegation made in the F.I.R., co-accused
Muslim Mian, Mahamddin Mian (petitioner), Binod Paswan,
Ravindra Miyan and Matijni Khatoon kidnapped the minor
daughter of the Informant. When the Informant went to the
house of Muslim Mian and enquired about his daughter, in turn,
the mother of Muslim Mian started to hurl abuses and stated
wherever you want you go. The Informant tried to search out his



daughter but failed. He has shown his apprehension that his girl has been kidnapped by Muslim Mian. Later on, the girl was rescued and she made her statement under Section 164 of the Cr.P.C. in which she has also taken the name of the present petitioner to be involved in the kidnapping.

Learned counsel for the petitioner submits that there is no allegation of sexual assault by the present petitioner and the same has been attributed against Muslim Mian. He further submits that co-accused Sikandar Mian and Binod Paswan have been granted bail by this Court vide order dated 10.1.2020 passed in Cr. Misc. No. 84741 of 2019.

The Court has assessed the age of the girl to be 14 years old.

Inasmuch as, learned counsel for the petitioner has stated that the petitioner is languishing in judicial custody since 14.1.2020 and the aforesaid two co-accused persons have been granted bail by this Court, 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 learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka East Champaran in connection with Ghorasahan P.S. Case No. 117 of 2019, subject to the condition



that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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