

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40243 of 2020

Arising Out of PS. Case No.-278 Year-2019 Thana- MADHUBAN District- East Champaran

ISRAIL MIAN @ MOHAMMAD ESRAIL MIYAN S/o Manif Miyan R/o
Village- Madhuban Samim Tola, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Madhuban Police Station Case No. 278 of 2019, registered for
the offences punishable under Sections 363/366-A/34 of the
Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that he abducted the minor daughter of
the informant.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to family
dispute and the victim girl is aged about 16-17 years, as per the
medical board. He further submits that the petitioner is the
brother-in-law of the victim girl and there was love affair



between them.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the victim girl, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, has categorically stated that she was physically abused by the petitioner and he forcibly took her to Delhi and Ludhiana and the victim girl has also disclosed her age, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, as 14 years.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the nature of allegation levelled against the petitioner, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J)

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