

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36668 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- KHUDWA District- Aurangabad

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1. MD FEKU MIAN SON OF LATE ALAUDDIN TAILOR RESIDENT OF VILLAGE- KHUDWAN, P.S.-KHUDWAN DISTT. - AURANGABAD
 2. MD. BIGU MIAN @ MD. BIGU TAILOR SON OF LATE ALAUDDIN TAILOR RESIDENT OF VILLAGE- KHUDWAN, P.S.- KHUDWAN, DISTT.- AURANGABAD
 3. SIKANDAR MIAN @ SIKANDAR ALAM SON OF FEKU MIAN RESIDENT OF VILLAGE- KHUDWAN, P.S.-KHUDWAN DISTT. - AURANGABAD Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Nurul Hoda
For the Opposite Party/s	:	Ms.Pushpa Sinha.1
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 21-10-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners as well as Mr. Shailendra Kumar, the learned APP for the State through video conferencing.

At the outset, the learned counsel for the petitioners has submitted that petitioner no. 1, Md. Feku Mian has been arrested and as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this bail petition with respect to petitioner no. 1.



In view of the above submission, **this petition is dismissed as withdrawn with respect to petitioner no. 1.**

So far as **petitioner Nos. 2 & 3** are concerned, they apprehend their arrest in connection with Khudwan P.S. Case No. 57 of 2021, registered for the offences punishable under Sections 341, 323, 452, 504 & 34 of the Indian Penal Code and subsequently Sections 8 and 12 of the POCSO Act have been added.

The learned counsel for the petitioners has submitted that the allegation of kidnapping the victim is against co-accused Md. Saddam. Petitioner nos. 2 and 3 are family members of Md. Saddam and it is the reason for their false implication in this case. The learned counsel for the petitioners has submitted further that the victim has not named the petitioners in her statement under Section 164 of the Code of Criminal Procedure, 1973. He has also submitted that the petitioners are the persons of clean antecedents.

Considering these facts and circumstances, let **petitioner Nos. 2 & 3**, in the event of their arrest or surrender, within four weeks before the learned court below, **be released on bail** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional District & Sessions Judge-cum-Special Judge (POCSO) Act, Aurangabad in connection with Khudwan P.S. Case No. 57 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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