

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48329 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- MAINATAND District- West Champaran

1. SHEIKH TAMIL @ SHEIKH TALIM S/o LATE SHEIKH HAKDAR @ SHEIKH HAIDAR R/o LANGRI, BASTH, P.S- MAINATAND, DISTRICT-WEST CHAMPARAN.
2. SHEIKH MITHUN @ MITHUN S/o SHEIKH TAMIL R/o LANGRI, BASTH, P.S- MAINATAND, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s :	Dr. Mrityunjaya Kr.Gautam, APP
For the Informant :	Mr. Asif Kalim, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 363 and 366A of the Indian Penal Code to which section 8 of the POCSO Act was added subsequently.

As per the prosecution case, the daughter of the informant was kidnapped for the purpose of marriage by the accused persons including the petitioner no. 2 herein.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The daughter of the informant returned and on medical examination her age was estimated to be 19-20 years and there was no sign of recent sexual assault. Further, in her statement under section 164 Cr.P.C. the daughter of the informant does not mention anything about her kidnapping. She states that she had gone to her mausi's (mother's sister) place. It is further submitted that final form was submitted in the case, however, differing from



the same the learned Court below has taken cognizance in the matter. The petitioners are in custody since 14.6.2021 and charge sheet has been submitted in the case. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioners having remained in custody for 8 months, the Court directs the above two petitioners to be enlarged on bail in connection with Mainatand P.S. Case no. 156 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VII-cum-POCSO, Bettiah, West Champaran.

(Partha Sarthy, J)

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