

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46945 of 2022

Arising Out of PS. Case No.-299 Year-2020 Thana- BAIRIYA District- West Champaran

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AFTAR MIAN @ AFTAR ALAM S/o Tijar Mian @ Tejar Mian Resident of
Village- Laukariya (Pokhara Tola), P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the office within

one month.

Heard the learned counsel for the petitioner as

well as the learned Additional Public Prosecutor for the

State.

The petitioner is seeking regular bail in connection

with Bairiya P.S. Case No. 299 of 2020, registered for the

offences punishable under Sections 363, 366A, 504, 506/34

of the Indian Penal Code and Section 12 POCSO Act.

As per allegation, the accused persons named in

the FIR, who are the family members of the present



petitioner, kidnapped the daughter of the informant and father of this petitioner threatened to kill the victim, in case she denied her *Nekah* with his son.

The learned counsel for the petitioner has submitted that the statement under Section 164 of the Code of Criminal Procedure of the victim shows itself that the allegation of threatening is not against the petitioner, rather it is against his father, who has been granted bail, vide order dated 05.04.2021 in Criminal Miscellaneous No. 975 of 2021. He has submitted further that the other accused persons have also been granted bail. The petitioner is a person of clean antecedent and he is under custody since 02.07.2020.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge-cum-Special Judge (POCSO), Bettiah West Champaran in connection with Bairiya P.S. Case No. 299 of 2020, subject to the following conditions:-



(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

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

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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