

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59645 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- BALTHAR District- West Champaran

NAJBULLAH MIAN @ NAJMULLAH MIAN S/o- SAGIR MIAN Resident
of Village- Purainiya, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioner and the State.

The petitioner in the present case is seeking regular bail in connection with Balthar P.S. Case No. 59 of 2020 registered for the offences punishable under Sections 366A, 380/34 of the Indian Penal Code and Section 8/14 of POCSO Act.

As per the prosecution case, on 04.07.2020 when the informant returned to his home at about 06:00 P.M. and he was taking dinner with other members of the family, he had seen his natni (daughter's daughter) sitting at the door. When the informant came out after taking dinner and called his natni, she did not respond. At this stage, the nephew of the informant told him that he had seen the victim girl going with co-accused, Ahmad Ali, who is aged about 18 years, on a motorcycle



towards the Southern side. It is further alleged that this petitioner along with another co-accused were also sitting on the motorcycle. The informant also alleges that his natni had left the house with some ornaments and cash amount.

Learned counsel submits that apparently from a reading of the FIR itself it would appear that the victim girl had left her house with ornaments and cash on her own and she had accompanied the petitioner on her own volition which was also seen by nephew of the informant. The victim girl had not shouted for any help. It is next submitted that petitioner has been made accused only because he is friend of Ahmad Ali though he has not played any role in the occurrence. There is no allegation of any sexual assault against this petitioner. Similarly situated accused Ahmad Ali has already been granted bail by a co-ordinate Bench of this court vide order dated 06.04.2021 passed in Cr. Misc. No. 326/2021. Petitioner claims clean antecedent and is in custody since 03.08.2021 and investigation in this case is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Additional Sessions Judge-VII-cum- Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Balthar PS case No.59/2020.

(Prabhat Kumar Singh, J)

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