

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65440 of 2021**

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

1. SAMSHUL MIAN Son of Tijar Mian @ Tejar Mian Resident of Village-
Laukariya (Pokhara Tola), Ward No. 8, P.S.- Bairiya, District- West
Champaran.
2. Aftab Mian Son of Tijar Mian @ Tejar Mian Resident of Village- Laukariya
(Pokhara Tola), Ward No. 8, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-04-2022 Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 363, 366A, 504 and 506/34 of the Indian Penal Code and Section 12 of the POCSO Act.

Allegation against the petitioners is of forcibly taking away the minor daughter of the informant along with FIR named accused for purpose of marriage.

Learned counsel for the petitioners submit that they are



innocent and have been falsely implicated in this case as they are brothers of accused Aftar Miyan with whom the victim girl is said to have eloped. From perusal of the medical report of the victim girl, it appears that she is at the verge of attaining majority aged about 17-18 and no sign of sexual assault or injury was found, which is annexed as Annexure-3. In her statement recorded under section 164 of Cr.P.C victim has not alleged of committing any sexual assault over her. It is submitted that in course of investigation it has come that the victim was having love affair with accused Aftar Mian. Co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 10.12.2020 in Criminal Miscellaneous No. 3227 of 2021, 10.12.2020 in Criminal Miscellaneous No. 2463 of 2021 and 11.12.2020 in Criminal Miscellaneous No. 975 of 2021.

Petitioners have got no criminal antecedent and are in custody since 23.09.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bairiya P.S. Case**



No. 299 of 2020, with following conditions:-

(1) Both the bailors shall be the resident of territorial jurisdiction of the learned court-below.

(2) The petitioners shall fully cooperate with the investigation / trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioners.

(S. Kumar, J)

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