

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68551 of 2021

Arising Out of PS. Case No.-211 Year-2021 Thana- CHOUTARWA District- West
Champaran

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Mahamjan Miyan Son of Ibrahim Miyan Resident of Village - Ahirawaliya,
P.S.- Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned Spl. PP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Chautarwa P.S. Case No. 211 of 2021 registered for the offence

under Sections 363 and 272 of the Indian Penal Code, Section 8

of the POCSO Act and Section 3(i)(w) of the SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 30.06.2021.

The allegation against the petitioner is of kidnapping

and selling minor daughter of the informant for the purpose of

prostitution.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case only for the reason that petitioner was in love relations with the daughter of the informant. It is submitted that nothing surfaced during the course of investigation, which may suggest that daughter of the informant was kidnapped for the purpose of selling or petitioner was under intention to sell the daughter of the informant for the purpose of prostitution. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned Spl. PP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that statement of victim recorded u/s 161 of the Cr.P.C. during the course of investigation, suggest love affair.

In view of the facts and circumstances as mentioned above, and considering the statement of victim, allegation of kidnapping and selling for the purpose of prostitution, appears doubtful coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chautarwa P.S. Case No.



211 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran at Bettiah/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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