

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1230 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- SUPAUL District- Supaul

Bachcha Miyan @ Md. Bachcha Miyan Son Of Late Masaque Miyan R/O
Village- Pathra (Ward No.4), P.S.- Pipra, Dist.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 366A and 376(D) of the Indian Penal Code and Sections 4/12 of the POCSO Act.

It is a case of abduction of the daughter of the informant by the accused persons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and when the victim was recovered, her statement was recorded under Section 161 of the Cr.P.C. wherein she has not stated about complicity of this petitioner.

However, learned APP for the State opposed the



anticipatory bail of the petitioner and submitted that the petitioner instigated the co-accused Md. Ali and Samsad to carry her at Chennai and commit wrong with her. From perusal of the statement recorded under Section 164 of the Cr.P.C., it appears that only she stated about this petitioner that he instigated the other accused persons to carry her at other places and make wrong with her but there is no specific allegation of overt-act against this petitioner as well as he has not participated in abduction and committed wrong on the other hand the other co-accused Md. Ali and others committed rape of her.

Considering the aforesaid submissions, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Sessions Judge- POCSO, Supaul in connection with Supaul P.S. Case No. 223 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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