

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4543 of 2023

Arising Out of PS. Case No.-65 Year-2018 Thana- BARHARA KOTHI District- Purnia

Shahid Miyan @ Shahij Miyan S/O Late Md. Rasul R/v- Nirpur, P.S.-
Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 23.09.2022, in connection with Barhara P.S. Case No. 65 of 2018, F.I.R. dated 11.03.2018 registered for the offences punishable under Sections 363, 367, 365, 370, 371 and 34 of the Indian Penal Code and Section 14 of the Child Labour (Prohibition and Regulation) Act, 1986.

3. Prosecution case, in brief, is that one and half years ago the accused persons came at the village of the informant and meet the son of the informant and other co-villagers and made them ready to go from their house along with him to do work. It is further stated that the petitioner and his partner Suraj Rishideo told their parents that the children



have been put on their duty and when they began to search their children they came to know that the children have been sold to some one in Amritsar by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that from perusal of the F.I.R. it appears that the informant sold out the five child which was mentioned in the F.I.R. in long back in the year 2018 about one and half years ago before filing of the F.I.R. Learned counsel for the petitioner further submits that the informant has not filed any complaint before the competent authority and in fact the petitioner carried with the child as mentioned in the F.I.R. and they have been working in Punjab and when due to some money matter the dispute arises between the petitioner and the informant, the present F.I.R. instituted against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.09.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for



bail of the petitioner and submits that there is specific allegation against the petitioner and apart from the aforesaid, the petitioner carries one more case other than the present but fairly submits that the petitioner is on bail in the pending case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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 Chief Judicial Magistrate-II, Purnea in connection with Barhara P.S. Case No. 65 of 2018, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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