

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10125 of 2023

Arising Out of PS. Case No.-416 Year-2022 Thana- JOGAPATTI District- West Champaran

NASIM MIYAN @ MD. SHAMIM MIYAN @ NASEEM MIYAN @
SHAMIM MIYAN Son of Late Manejar Miyan R/v- Bahuarwa, Ward No. 9,
P.S.- Shanichary (Jogapati), District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.11.2022 in connection with Yogapatti P.S. Case
No.416/2022, dated 26.07.2022, for the offences punishable
under Sections 366(A), 34 of the IPC & Section 4/6 of the
POCSO Act.

According to prosecution case, the petitioner along
with other co-accused persons, named in the F.I.R., are said to
have abducted the minor daughter of the informant for the
purpose of marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is brother of the co-accused, namely, Bulet Mian @ Reyaz Mian. He further submits that in fact the brother of the petitioner was in love with the victim and as per F.I.R. all the accused persons are the brother of co-accused, namely, Bulet Mian and the alleged occurrence has taken place on 23.07.2022 but the present F.I.R. has been instituted on 26.07.2022 after lapse of three days without any explanation of delay. He further submits that except the petitioner is brother of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Special Judge POCSO-cum-A.D.J.-VIth, Bettiah, West Champaran in



connection with Yogapatti P.S. Case No. 416/2022, 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 witnesses, 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 antecedent, 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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