

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16345 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- BAIRIYA District- West Champaran

1. BHIKHARI MIAN SON OF HITLAR MIYAN R/O VILLAGE-
MATHAULI, BHATWALIYA, P.S.- BAIRIYA, DISTRICT- WEST
CHAMPARAN
2. PARBEJ ALAM @ PARBEJ MIYAN @ PRAVEJ MIYAN SON OF
BHIKHARI MIAN R/O VILLAGE- MATHAULI, BHATWALIYA, P.S.-
BAIRIYA, DISTRICT- WEST CHAMPARAN
3. ROHAN KUMAR SON OF RAMAUTAR SAH @ RAMA UTTAR SAH
R/O VILLAGE- SANT GHAT, HAT SARAIYA, P.S.- BAIRIYA,
DISTRICT- WEST CHAMPARAN
4. TABREJ ALAM @ TABREJ MIYAN SON OF BHIKHARI MIAN R/O
VILLAGE- MATHAULI, BHATWALIYA, P.S.- BAIRIYA, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. AFSANA KHATOON WIFE OF SATTAR MIAN R/O VILLAGE- SANT
GHAT, RAJ BAGICHA, P.S.- BAIRIYA, DISTRICT- WEST
CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-06-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Sections 366A, 376, 34 of the
Indian Penal Code and Section 4/6 of POCSO Act.

As per the prosecution case, the minor daughter of the
informant went missing on 06.05.2022. The informant went to
the house of the accused persons to enquire about the incident



and on the same day, petitioner no.1 left the victim at the house of the informant and escaped. The victim girl alleged that co-accused namely, Sajjad put vermilion over her forehead and established physical relationship with her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He submits that after investigation, the police has submitted final form against the petitioners but differing with the same, learned Court below took cognizance against them. He further submits that the statement of the victim was recorded under section 164 of Cr.PC in which she has not taken the name of the petitioners. The specific allegation is against the co-accused Sajjad Alam. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event



of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bairiya P.S. Case No.140 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

