

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19953 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- PRATAPGANJ District- Supaul

MOHAMMAD MIYAN son of Late Md. Safid Miyan Village- Ghatha
Gvindpur ward no-11,Ps- Pratapganj Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 376, 511 and 323 of the
IPC and later on added Section 4 of the POCSO Act.

The allegation against the petitioner is of attempting
to commit rape upon the daughter of the informant, when she
was going to cut the grass.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner happens
to be cousin brother of the victim girl. As such father of the
petitioner and victim are *Sala-Bahnoi*, but the informant has
intentionally concealed the fact to make out a case serious, as if
the petitioner is unknown to her. The court yard of the informant



and the petitioner is same and both are living at one home. Due to dispute for taking and grabbing the share of the petitioner, she has planted false case. There is no complaint regarding physical misbehave/abusing against the petitioner to the victim girl. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 29.07.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge Exclusive (POCSO Court), Supaul in connection with Pratapganj P.S. Case No. 140 of 2022.

(Sunil Kumar Panwar, J)

arish/-

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

