

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30164 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- SIKARPUR District- West Champaran

SAIS MIYAN S/o Kamruddin Miyan R/o Village-Diuliya, P.S.-Shikarpur,
District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366A, 376, 420, 341, 323, 504, 506, 34 of the Indian Penal Code, 4 & 12 of the POCSO Act and sections 3(i)(r)(s), 3(2)(v-a) of the S.C./S.T. Act.

3. As per prosecution case, co-accused Sonu Mia is alleged to have committed rape with the daughter of the informant in the house of the petitioner. Further, when the victim got pregnant, co-accused fled away. Accordingly, the present FIR was lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case as he is brother of the main accused Sonu Miyan against whom the specific allegation of rape has been made. As per supplementary affidavit, it appears that good sense has been prevailed between the parties and in this regard, the daughter of the informant filed a petition dt. 26.5.2023 in Court below and denied from the allegation leveled against the petitioner in the FIR rather she stated that on instigation of villagers, her father implicated the petitioner in the present case. In support of this fact, Annexure-2 has been annexed with the Suppl. Affidavit which is also asserted by learned counsel for the informant. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 7.3.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shikarpur P.S. Case No. 174 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of
learned Additional District and Sessions Judge 7th cum-Special
Judge, POCSO, Bettiah at West Champaran.

(Sunil Kumar Panwar, J)

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