

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40645 of 2022

Arising Out of PS. Case No.-264 Year-2022 Thana- JOGAPATTI District- West Champaran

Bade Miyan @ Nurhasan Miyan @ Nurhasan Ansari Son Of Late Bhikham
Miyan @ Bhikha Miyan Resident Of Village - Nawalpur, P.S.- Jogapatti
(Nawalpur O.P.), District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonali Lakra Daughter of Chhotelal Lakra Residence of Village - Ratu, P.O. and P.S.- Chainpur, District - Gumla (Jharkhand) through her father and natural guardian, Chhotelal Lakra, Aged 35 years, Male, Son of Late Puran Lakra, Residence of village - Ratu, P.O. and P.S.- Chainpur, District - Gumla (Jharkhand)

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 363(A), 370(A),

373/34 of the Indian Penal Code, Section 12 of POCSO

Act, Section 79 of Juvenile Justice (Care of Protection of

Children) Act and Sections 3(r)(w) of SC/ST (Prevention

of Atrocities) Act.



As per allegation in the FIR, on 09.05.2022, in the morning the Child Line is being informed that a minor girl was found wandering. She was taken to the custody through Child Line and a G.D. report was made and the victim girl was produced before Child Welfare Committee. It is also alleged that on inquiry the victim girl, it came to light that she was residing in Delhi with her uncle and from there she came out to go to her house which is situated at Jharkhand but in the meantime co-accused, namely, Parshuram Mahto, sold her by coaxing to the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that petitioner is languishing in judicial custody since 19.05.2022. It is further submitted that it is stated in the FIR that the victim was wandering at Piparpati Chowk and in the later portion, it is also stated that she was recovered from Shivrajpur village. So, it



can be said that FIR is quite vague. It is also submitted that after seeing the victim in helpless condition, the family of the petitioner provided her food and shelter. The petitioner was arranging money for taking the victim to her home. In the meantime, this case was lodged with altogether false allegations. In her statement recorded under Section 164 of Cr.P.C. , victim has not whispered about anything wrong with her by the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration 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 in connection with Jogapatti P.S. Case No. 264 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction
of the learned Additional Sessions Judge VI-cum-Special
Judge, POCSO, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

nirajkrs/-

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