

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49662 of 2023**

Arising Out of PS. Case No.-458 Year-2022 Thana- SUGAULI District- East Champaran

Arman Miyan @ Arman Miya, Son of Ekbal Miyan, Resident of Village-
Hata, P.S.-Sugauli, District-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ram Adya Singh, Advocate
For the State	:	Mrs. Rita Verma, APP
For the Informant	:	Mrs. Purna Rishi, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sugauli P.S. Case No.458 of 2022 registered for the
offences punishable under Sections 341, 323, 363, 366A, 504
read with 34 of the Indian Penal Code and Section 8 of the
Protection of Children from Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is
in custody since 19.06.2023.

4. Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 17 years along with co-
accused persons and also to assault informant and others during



the course of occurrence, where alleged kidnapping was made for the purpose of illicit intercourse/marriage, where petitioner was further alleged to be established physical relation on false pretext of marriage.

5. It is submitted by learned counsel that the victim girl recovered after the occurrence and while recording her statement under Section 164 of the CrPC, she stated clearly that she was in relation with petitioner since last six months, where proposal of marriage was denied subsequently. It is submitted that allegation of sexual assault is not available against this petitioner as per statement of victim recorded under Section 164 of the CrPC rather same is available against some unknown co-accused persons in Nepal, where apparently petitioner was not available. It is further submitted that the informant filed a petition dated 15.06.2023 suggesting the matter has been compromised between the parties and she appears to be retracted from her earlier version. While concluding argument, it is submitted that the petitioner is a man of clean antecedent.

6. Learned APP duly assisted by Mrs. Perna Rishi, learned counsel for the informant while opposing the prayer for bail submitted that specific allegation is available against this petitioner. Learned counsel appearing on behalf of the informant



show her ignorance about any such compromise as referred hereinabove.

7. In view of above-mentioned facts and circumstances and by taking note of fact as implication of this petitioner appears on false pretext of marriage, where petitioner is in custody since 19.06.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Sugauli P.S. Case No.458 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not interact with victim or any of the prosecution witnesses till the conclusion of trial in whatsoever manner, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner



duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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