

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52803 of 2023

Arising Out of PS. Case No.-1008 Year-2022 Thana- MUFFASIL District- West Champaran

Saheb Miyan@ Aurangjeb Main Son Of Atiullah Miyan @ Atul Miyan
Resedent Of Village- Sansoriya, Ps- Muffasil, Bettiah, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 31.03.2023 in connection with Muffasil Bettiah Muffasil P.S. Case No. 1008 of 2022, F.I.R. dated 25.11.2022 for the offences punishable under Sections 366A/34 of the Indian Penal Code, Section 3(i)(r)(s) of the SC/ST Act and Section 8 of the POCSO Act.

3. According to prosecution case, this petitioner along with other accused persons have abducted the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 21.11.2022 but the present F.I.R. was instituted on 25.11.2022 I.e after delay of 4 days without giving any explanation of the said delay. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution and it appears from her statement that she has solemnized marriage with the petitioner and for that the learned counsel for the petitioner has filed supplementary affidavit stating therein that the petitioner has performed the marriage with the victim and he is ready to keep her as his wife and will lead a happy conjugal life. The petitioner is in custody since 31.03.2023.

5. The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence but fairly submits that in the statement of the victim recorded under Section 164 of the Cr.P.C. she has categorically



stated that she has performed the marriage with the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge VI cum Special Judge POCSO West Champaran, Bettiah in connection with Muffasil Bettiah Muffasil P.S. Case No. 1008 of 2022, subject to the following conditions:-

i. One of the bailors shall be the informant, namely, Bedami Devi who is mother of the victim.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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