

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69563 of 2022**

Arising Out of PS. Case No.-299 Year-2020 Thana- BAIRIYA District- West Champaran

INAYAT MIAN @ INAYAT MIYA S/o Late Sahabuddin Mian R/v- Laukariya  
(Pokhara Tola), P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.  
For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      02-05-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Bairiya P.S. Case No. 299 of 2020 registered for the offence  
under Sections 363, 366A, 504, 506 and 34 of the Indian  
Penal Code and Section 12 of the POCSO Act.

The minor daughter of the informant is alleged to  
have been kidnapped at the instance of the petitioner and  
others for the purpose of performing marriage.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case. He  
further submits that the petitioner has not been named in



the F.I.R., however, his name transpired in this case on the basis of statement of the victim recorded under Section 164 Cr.P.C. He further submits that the victim in her chief examination has not supported the prosecution version as alleged in the F.I.R. He further submits that the F.I.R. named accused, against whom accusation of abduction of daughter of the informant is alleged, have already been granted bail by different co-ordinate Benches of this Court vide order dated 23.06.2021, 15.03.2021, 05.04.2021 and 11.04.2021 passed in Cr. Misc. No. 3227 of 2021, Cr. Misc. No. 2463 of 2021, Cr. Misc. No. 975 of 2021 and Cr. Misc No. 65440 of 2021. The petitioner is rotting in judicial custody since 16.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned 7<sup>th</sup> Additional District and Sessions Judge- cum- Special Judge, (POCSO), Bettiah, West Champaran in connection with Bairiya P.S. Case No. 299 of 2020 with the following conditions:-



(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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