

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4545 of 2024

Arising Out of PS. Case No.-704 Year-2023 Thana- SITAMARHI District- Sitamarhi

Akhtar Miyan @ Md. Akhtar Miyan Son of Anwar Miyan R/o village -
Bohatola, P.S. and District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6461 of 2024

Arising Out of PS. Case No.-704 Year-2023 Thana- SITAMARHI District- Sitamarhi

Bhatkan @ Chand Son Of Anwar Miyan @MD. Anwar Resident Of Village-
Boha Tola, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 4545 of 2024)
For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.
(In CRIMINAL MISCELLANEOUS No. 6461 of 2024)
For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Rina Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case
registered for the offences punishable u/s 365, 363, 366A, 370,
370(A), 372, 373, 376 and 120(B) of the Indian Penal Code and
u/s 3, 4, 5 and 6 of Immoral Traffic Act and u/s 4/6 of POCSO



Act.

3. As per the prosecution case, on the information of an NGO, police raided Boha tola. From the house one Juli Khatoon, one young boy and a minor girl were found, the minor girl told that 15 days ago co-accused Bhatkan @ Chand brought her by inducing her. Two packets of condom were also recovered on the bed. In another room, one woman, Neelam Khatoon was found. On search, a girl was recovered who disclosed that the petitioner brought her to this place who assault her and got her indulge in sexual act. Further, tow packets of condom were also recovered under the pillow.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence. The petitioners have falsely been implicated in this case due to village politics. As per the para eight of the bail petition, the victim girl in her statement recorded u/s 164 of the Cr.P.C. has completely negated the prosecution story and not disclosed the name of any person who allegedly indulged her in flesh trade. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts and circumstances as well as the statement of the victim recorded u/s 164 of Cr.P.C, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sitamarhi in connection with Sitamarhi P.S. Case No. 704 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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