

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37899 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- LAURIA District- West Champaran

1. Ruzaida Khatoon @ Rozaida Khatoon Wife of Mustafa Miyan @ Mustafa Miya Resident of village - Sisai, P.S. - Lauriya, Distt. - West Champaran
2. Mustafa Miyan @ Mustafa Miya Son of Maujam Miyan Resident of village - Sisai, P.S. - Lauriya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Ms. Usha Kumari 1, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 6 13-12-2024 Though, Vakalatnama has been filed on behalf of the O.P. No. 2 (Informant), but nobody appeared on behalf of O.P. No. 2.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
3. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 366(A)/34 of IPC, Section 8 of POCSO Act and Section 3(2)(va)(s)(r) of SC/ST Act.
4. Allegedly, the petitioners along with other accused persons have kidnapped the minor daughter of the informant with an intention to marry her.
5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior



motive. No such occurrence, in the manner as alleged, has ever taken place. It is further submitted that statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has not supported the prosecution case. Other co-accused person has been granted bail by this Court vide order dated 12.12.2023 passed in Cr. Misc. No. 78876 of 2024. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

6. Learned APP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case and since victim has not supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C., let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Lauriya P.S. Case No.55 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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