

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43282 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- RAMNAGAR District- West Champaran

Saifullah Mian @ Shaphiullah Miya @ Jhulan Son Of Hasmuddin Mian
Resident Of Village - Durganagar Barva Banjariya, Police Station -
Ramnagar, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neyaz Mian S/o Late Ozir Mian R/o vill - Barwa Baujariya, P.S. -
Ramnagar, Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Shantanu Kumar

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

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Ramnagar P.S Case No. 509/2023 dated 04.11.2023 registered for the offence punishable u/s 363 and 365 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, unknown miscreants are alleged to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The victim in her statement recorded u/s 161 and 164 of the Cr.P.C. has stated that she was taken to Jammu by the petitioner and she was forced to eat intoxicated biscuits by the petitioner and the co-accuseds, Rajan and Gopi Yadav due to which she became unconscious and as soon as she got her consciousness, she found herself lying with the petitioner, but *prima facie*, it seems to be improbable as the victim did not raise any alarm while she was being taken to Jammu. Learned counsel further submitted that there is nothing on record which shows that the victim was forced to have illicit intercourse with any person. The other co-accused person has already been granted bail by this court *vide* order dated 08.05.2024 passed in Cr. Misc. No. 33166/2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner was involved in kidnapping the minor daughter of the informant.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Betiah, West Champaran in connection with Ramnagar P.S Case No. 509/2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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