

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50257 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- MAJHAULIA District- West Champaran

Aalim Miyan @ Aalim @ Sipahi Alam @ Aalim Alam Son of Hanif Miyan
Resident of village- Sarisawa Bazar, Ward No- 14, P.S- Majhauilya, Dist.-
West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikandar Thakur Son of Late Jhigan Thakur Resident of village- Sarisawa Bazar, Ward No- 12, P.S- Majhauilya, Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Majhauilya P.S. Case No. 44 of 2024 instituted under Sections 363, 366(A) and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner had earlier taken away the minor daughter of the informant on 18.06.2023 and the said minor girl was recovered after 10 days by the Police and after six months, he again taken away the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and has been falsely implicated in this case. He further submits that the informant has filed two cases for the abduction of his daughter. However, *vide* order dated 06.03.2024 in Cr. Misc. No. 78198 of 2023, the Co-ordinate Bench of this Court has observed that the petitioner along with the informant and the victim were present in the Court and the victim girl stated that she had left her home for getting married with the petitioner. The petitioner undertaken that he will not indulge in such act which could cause any agony to the informant or his family members. The Co-ordinate Bench has granted anticipatory bail to the petitioner vide order dated 06.03.2024 in Cr. Misc. No. 78198 of 2023. Learned counsel further submits that the petitioner is about 19 years old and the petitioner is not involved in kidnapping of the minor daughter of the informant as alleged. He further submits that petitioner has one criminal antecedent filed by the informant in which he is on bail and he undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Additional District and Sessions Judge-VI Cum Special Judge POCSO, Bettiah, District- West Champaran / Concerned Trial Court in connection with Majhaulia P.S. Case No. 44 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

ashishkr/-

U		T	
---	--	---	--

