

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53581 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- PIPRA District- East Champaran

Sanjur Miyan S/O Layak Miyan R/O Village- Pakari Ashok, P.S- Pipra, Distt.- East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar
2. Abdul Miyan S/O Late Bhulan Miyan R/O Village- Pakari Ashok, P.S- Pipra, Dist.- East Champaran.

... .. Opposite Partys

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate
		Mr Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-08-2024 Heard learned counsel for the petitioner as well as learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Pipra P.S. Case No. 136/2024 dated 01.06.2024 registered for the offence punishable u/s 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused persons 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. As per para. 11 of the bail petition, the victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she was not kidnapped and she willingly went with the petitioner. There was a love affair between the victim and the co-accused, Javed. The petitioner is made accused in this case only because he is the father of the co-accused, Javed. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. As per the Medical Board, the age of the victim is assessed as 17-18 years at the alleged date of occurrence. The petitioner has a clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 01.06.2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl.

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, Motihari, East Champaran in connection with Pipra P.S. Case No. 136/2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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