

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70468 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KANGLI District- West Champaran

Salman Miya @ Kaunen Miya S/O Alam Miya R/O Village- Sabaitawa, P.S-
Kangali, Distt.- West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 307, 448, 379, 504, 506/34, 366(A) of the Indian Penal Code, section 8, 12 of the POCSO Act and section 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

3. According to the prosecution case, allegation against the petitioner along with co-accused persons that they entered in the house of the informant and starting assaulting the informant and his family members. Thereafter, they abducted the daughter of the informant, aged about 16 years on the pretext of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The victim girl was recovered and her statement has been recorded under section 164 of Cr.P.C., wherein, she did not support the prosecution version and stated that she went from her home out of her own sweet will. She did not whisper any complicity of the petitioner in the alleged offence. There is general and omnibus allegation against the petitioner of assaulting to the informant and his family members. The petitioner has got no criminal antecedent and languishing in judicial custody since 5.8.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kangali P.S. Case No. 49 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VIIth-Cum-Spl Judge, POCSO, Bettiah at West Champaran.

(Sunil Kumar Panwar, J)

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