

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2123 of 2025

Arising Out of PS. Case No.-17 Year-2023 Thana- GOPALPUR District- West Champaran

Ibran Miyan @ Ibran Mian S/O Sahebjan Mian Resident of village -
Chhardawali, P.S- Gopalpur, District - West Champaran Petitioner/s
Versus

1. The State of Bihar
2. Ali Imam Miyan S/O Late Daud Miyan Resident of village - Chhardawali,
P.S- Gopalpur, District - West Champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 04-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gopalpur
P.S Case No. 17 of 2023 from the court of learned Additional
Sessions Judge-VI-cum-Special Judge, POCSO, West Champaran
at Bettiah for the offence punishable under Sections 363 and 366A
of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per allegation in the FIR, the petitioner is alleged
to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case, he has got clean
antecedent as stated in para-3 of the petition and he is in custody
since 17.02.2023. It is further submitted that this a second bail
application filed by the petitioner. The previous bail application



was reject by this Court with following observation:-

“The trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order.”

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the first information report, case diary, impugned order and stage of trial submitted by the trial Court *vide* Letter No. 27/2025, it appears that the trial is likely to be concluded within six months. It is further appears that in 164 statement of the victim and the statement of the victim girl recorded under Sections 161 of the Cr.P.C., the victim clearly stated that the petitioner has made three times physical relationship with her, considering which, I am not inclined to grant bail to the petitioner.

7. The prayer for bail of the petitioner is hereby rejected.

8. However, the trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order as stage of trial report submitted by the concerned trial Court *vide* its Letter No. 27/2025.

(Ramesh Chand Malviya, J)

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