

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7317 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- RAXAUL District- East Champaran

Ekram Miya @ Md. Ekramullah S/o Md. Rauf R/o vill - Dumariya, Ward no. 2, P.S. - Raxaul, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kabita Devi W/o Pramod Mahto R/o vill - Trilokinagar, Koriya Tola, ward no. 25, P.S.- Raxaul, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-06-2025 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366A, 120B, 376DA, 504, 506/34 of the of the Indian Penal Code and section 4 and 6 of the POCSO Act.

3. Despite issuance of notice, no one appeared on behalf of the opposite party no. 2.

4. The allegation in the FIR is that the informant's minor daughter was taken away by two accused persons namely, Shital Kumari and Nisha Devi, whereafter, two other unknown



persons had given her some intoxicating injection and was taken into their custody. The names of the other accused Md. Sohail Khan also features in the FIR, who has informed that the daughter of the informant was kept in the house of his friend Jitendra. It has been alleged that the informant reached the house of Jitendra, where she found her daughter in an intoxicated condition and subsequently, her daughter was released. It was revealed by his daughter that she was given injection of intoxication and wrong was committed with her by the accused persons Sohail , Jitendra and two other persons.

5. Learned counsel for the petitioner submits that as a matter of fact, the name of the petitioner does not appear in the FIR wherein names of other accused persons features. Even during the course of investigation, as would appear from the bail rejection order, the name of the petitioner appears in paragraph 137 and 138 of the case diary wherein the material appearing against the petitioner is that he had given his building to Jitendra Kumar, who was running an Orchestra party under the grab of shoes shop. It has further been submitted that the premises had actually been given for running shoes shop and the petitioner was not aware of the nefarious activities which were going on in the said premises. The petitioner has no criminal antecedent.



7. Taking into consideration the above mentioned facts and circumstances and also considering that there is no concrete evidence against the petitioner of his involvement in the present occurrence, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Raxaul P.S.Case No. 167 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

N.K/-

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

