

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23318 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- KHAIRA District- Saran

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1. Kalam Miya @ Md Kalam S/o- Late Bojhan Miya village - Khaira, P. S - Khaira, District - Saran
 2. Md. Guddu Miya @ Md. Guddu S/o- Kalam Miya village - Khaira, P. S - Khaira, District - Saran
 3. Raja Miya @ Md. Raja S/o- Kalam Miya village - Khaira, P. S - Khaira, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tinku Pandit S/o- Mangal Pandit village - Khaira, P. S - Khaira, District - Saran

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-07-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Khaira P.S. Case No. 12 of 2025 instituted under Sections 137(2), 96 3(5) of the Indian Penal Code and section 8/12 of the POCSO Act lodged on 21.01.2025 by the informant, Tinku Pandit.

3. As per the prosecution story, the informant alleged that his minor daughter went to the market but was found missing. He had apprehension of Kalam Miya as also his son of being involved in the disappearance of the daughter which led



to the FIR.

4. Earlier, Kalam Miya was arrested and his bail application stands rejected on 01.05.2025.

5. Learned counsel for the petitioners submit that only on suspicion, they have been implicated and a perusal of the FIR would show that it is not possible in a public place to take away a person much less the informant's daughter herein. He further submits that the girl after recovery under section 183 of the BNSS made allegation that she was made unconscious and was further threatened. The submission is that the petitioners have no role to play, they are students and shall be cooperating in the investigation as also the trial.

6. Learned APP/informant opposes the prayer stating that the girl has supported the prosecution story.

7. Taking into account the submissions of the parties, FIR is there, the petitioner nos. 2 and 3 Md. Guddu Miya @ Md. Guddu and Raja Miya @ Md. Raja shall be facing the music, the girl has been recovered, the main culprit, Kalam Miya has since been arrested, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioner namely petitioner no.2, Md. Guddu Miya @ Md. Guddu and petitioner no.3 Raja Miya @



Md. Raja be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Khaira P.S. Case No. 12 of 2025 to the satisfaction of learned Exclusive Special Judge (POCSO) Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner no.2, Md. Guddu Miya @ Md. Guddu and petitioner no.3 Raja Miya @ Md. Raja who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2, Md. Guddu Miya @ Md. Guddu and petitioner no.3 Raja Miya @ Md. Raja shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.2, Md. Guddu Miya @ Md. Guddu and petitioner no.3 Raja Miya @ Md. Raja shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.2, Md. Guddu Miya @ Md.



Guddu and petitioner no.3 Raja Miya @ Md. Raja shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioner no.2, Md. Guddu Miya @ Md. Guddu and petitioner no.3 Raja Miya @ Md. Raja shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner no.2, Md. Guddu Miya @ Md. Guddu and petitioner no.3 Raja Miya @ Md. Raja shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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