

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24809 of 2025

Arising Out of PS. Case No.-545 Year-2024 Thana- RAMNAGAR District- West Champaran

1. Md. Firoj @ Firoj Miyan @ Firoj Alam S/o Late Sattar Miyan R/o vill - Kishunbagh, P.s.- Kalibagh, Distt.- West Champaran
2. Md. Seraj S/o Meera Miyan R/o Imiliya Tola, P.s.- Ramnagar, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. X S/o Late Nabi Hasan Miyan R/o vill - Mathiya, P.S.- Ramnagar, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Ramnagar P.S. Case No. 545 of 2024 dated 25.11.2024 registered for the offences punishable under Sections 137(2), 96 read with Section 3(5) of the B.N.S. and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant's minor daughter had gone to school but she did not return home, thereafter the informant started searching but she could not be located. In the meantime, the informant received information



from a source that the petitioners and the co-accused persons along with three unknown persons kidnapped the informant's daughter under conspiracy. It is further alleged that the co-accused Afroz Shah and Bikau Shah are involved in human trafficking of girl from Goa and they are the main operators of this illegal trade and under their instruction, the daughter of the informant has been kidnapped for the purpose of selling her.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 22.11.2024 but the FIR was lodged on 25.11.2024 and there is no explanation for this delay. It is further submitted that there is nothing on record which shows that the victim was forced/seduced to have illicit intercourse with another person. There is no eye-witness to the alleged occurrence. The victim in her statement recorded u/s 183 of the BNSS has not made any allegation of sexual assault against the petitioners. The petitioners have no concern with the alleged offence. The petitioner no. 1 has no criminal antecedent and the petitioner no. 2 has two criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 05.12.2024. Similarly situated co-accused has already been granted bail by



this court vide order dated 22.04.2025 passed in Cr. Misc. No. 18587 of 2025.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners 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 petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, West Champaran in connection with Ramnagar P.S. Case No. 545 of 2024, with the condition-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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