

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42751 of 2025

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

=====

Kalam Miya @ Md. Kalam, Male, aged about 58 years, S/o Late Bojhan Miya, R/o Village - Khaira, P. S - Khaira , District - Saran

... .. Petitioner

Versus

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

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Hemant Kumar, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Khaira P.S. Case No. 12 of 2025 dated 21.01.2025 registered for the offences punishable under Sections 137(2), 96 read with Section 3(5) of the B.N.S., 2023 and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, on 17.01.2025 at about 11.00 A.M., the petitioner and the other co-accused persons are alleged to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner and the informant are neighbours. The petitioner is aged about 58 years old and he has no concern with the alleged offence. It is further submitted that the alleged occurrence took place on 17.01.2025 and the F.I.R. has been lodged on 21.01.2025 and for the delay in lodging the F.I.R. no explanation has been given by the prosecution. It is further submitted that the victim has been recovered and her statement under Section 183 of the B.N.S.S., 2023 has been recorded in which she has stated that the petitioner and the other co-accused persons made her unconscious by making her inhale in narcotic and had threatened her. The victim has not stated that she was forced to have illicit relationship with any other person. It is further submitted that although the matter has already been compromised between the parties and to that effect a compromise petition has also been filed before the court of learned Special Judge, POCSO, Chapra, annexed as Annexure-P/2 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 30.04.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the



petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Additional Sessions Judge (POCSO), Saran at Chapra in connection with Khaira P.S. Case No. 12 of 2025.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

