

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77656 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- BHITAHA District- West Champaran

Tahir Miyan Son of Mainuddin Miyan @ Mainuddin Miya Resident of
Village - Britbadahora Ghusukpur, P.S.- Bhitaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bhitaha P.S. Case No. 206 of 2023, registered for the offences under Section 363, 366(A), 380 and 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner and other co-accused persons entered into the house of the informant and took away Rs.50,000/- and ornaments and also kidnapped 16 years old daughter of the informant and confined her to some secret place. The informant alleged that co-accused Sabre Alam wanted to marry his daughter.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in



this case merely on suspicion and there is no eye witness to the alleged occurrence. The daughter of the informant is not minor and she is major and she herself went away from her house and solemnized marriage with co-accused Sabre Alam. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has stated that she left her house on her own on the date of occurrence and went to Hyderabad with Sabre Alam and started staying there and she showed her willingness to go with the sister of Sabre Alam. The petitioner is in custody since 07.07.2024 and charge sheet has been submitted. The petitioner has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. however concedes that in paragraph no. 26 of the case diary the date of birth of the victim girl is stated to be 14.09.2004.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner and statement of the victim girl recorded under Section 164 of the Cr.P.C. wherein she has not named the petitioner for any wrong doing and also considering his clean antecedent, submission of charge sheet and period of custody of the petitioner, the petitioner is



directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bagaha, West Champaran/concerned court, in connection with Bhitaha P.S. Case No. 206 of 2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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