

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83395 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- MAINATAND District- West Champaran

Nursad Miya @ Nurshad Mian @ Nurshad Alam S/O Bhukhari Mian R/O
Village- Shripur, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gorakh Thakur S/O Late Vikram Thakur R/O Village- Sukhlahi, P.S-
Mainatand, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Mainatand P.S. Case No. 31 of 2024 instituted for the offence
under Sections 366A & 34 of the Indian Penal Code and
Sections 8 & 12 of the POCSO Act.

3. Prosecution case in short is that on 29-02-2024, the
informant' daughter went missing, while he was at work, and
later, it was learnt that petitioner had allegedly kidnapped her.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-07-2024. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is no eye witness to the occurrence. Victim has refused for her medical examination. From perusal of statement of the victim recorded under Section 164 of the Cr.P.C. it would reveal that there is no allegation of sexual intercourse on the petitioner. It is submitted that police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witness have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Mainatand P.S. Case No. 31 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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