

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9121 of 2024**

Arising Out of PS. Case No.-276 Year-2023 Thana- SUGAULI District- East Champaran

1. Mustakim Miya S/O Nathuni Miyan R/O Village- Ramnagar, Bankat, P.S- Majhauilya, Distt.- West Champaran.
2. Sabrun Nesha W/O Mustakin Miya R/O Village- Ramnagar, Bankat, P.S- Majhauilya, Distt.- West Champaran.
3. Dilmahi Miya @ Hasid Alam So Shah Karim Miya R/O Village- Sirpur, Bhatwaliya, P.S- Sugauli, Distt.- East Champaran.
4. Shah Karim Miya S/O Late Farjan Miya R/O Village- Sirpur, Bhatwaliya, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate  
For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

6      02-09-2025                      Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 363, 366A/34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, on 1.7.2023 at about 3 am when informant woke up, she found her daughter missing. Thereafter, she went to the house of co-accused Md. Aman and inquired about her missing daughter. It is alleged that all the FIR named accused persons including these petitioners abused and threatened her. Informant suspects that these accused persons kidnapped her daughter with bad intention.



4. It is submitted on behalf of the petitioners that daughter of informant willfully left the house with some cash and her belongings. Earlier also, she had eloped for which Sugauli Police Station Case No. 194 of 2023 dated 20.5.2023 was lodged and during course of investigation, when she returned she did not support allegation of kidnapping. In the present case, victim in her statement recorded under section 164 of the Code of Criminal Procedure, has stated that she had love affair with one Aman Ara and on 9.5.2022 she performed marriage with him. She has further stated that out of the wedlock, she has a girl child. At the time of recording of her statement, court has assessed her age to be 20 years. F.I.R. has been lodged after delay of nine days without any explanation which renders the entire prosecution case doubtful. Petitioners claim clean antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Judge, POCSO Act, Motihari, East Champaran in Sugauli Police Station Case No. 276 of 2023, subject to the conditions laid down under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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