

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79321 of 2025

Arising Out of PS. Case No.-330 Year-2025 Thana- JOGAPATTI District- West Champaran

Shamim Miyan @ Samim Akhtar S/O Mustufa Mian @ Mustufa Khan
Resident of Vill- Machhargava, P.S.- Yogapatti, Dist- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar

2. [REDACTED] R/O Village- Machhargava, Purab Tola, Ward
No. 07, P.S- Yogapatti, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the State : Ms. Meena Singh, APP

For the Informant : Mr. Shyamal Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 11-03-2026 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Yogapatti P.S. Case No. 330 of 2025 registered for the offence punishable under Sections 64, 65(1) & 3(5) of the B.N.S., under Sections 4 & 6 of the POCSO Act and under Section 3(2)(v) of the SC/ST(POA) Act.

3. The case of the prosecution, in short, is that the minor daughter of the informant was called by one Golu Miyan and he has established forceful physical relationship with her. It is further alleged that Mushan Miyan, Shamim Miyan (petitioner) and Sameer Miyan were also present at the time of alleged occurrence and these three persons made the photograph



of the victim viral.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. During course of investigation, the victim has given her statement before learned Magistrate under Section 183 of the BNSS wherein she has stated that Rehana Khatoon has called her at her home and at her home Mushan has committed rape with her. She has further stated that Golu has clicked the video and has made it viral. Learned counsel for the petitioner has submitted that from perusal of the statement of the victim under Section 183 of the BNSS it is clear that there is no allegation against this petitioner. Learned counsel for the petitioner has submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 18.09.2025.

5. Learned counsel for the Informant is present and he has conceded that there is no any allegation against this petitioner in the statement of the victim.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO-cum-D.A.S.J.-VI, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 330 of 2025.

(Ashok Kumar Pandey, J)

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