

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16187 of 2015

Arising Out of PS.Case No. -99 Year- 2014 Thana -MAHILA P.S. District- SIWAN

- =====
1. Gappu Sai @ Shabir, Son of Bashir Sai, resident of Village- Chak Takia, P.S.- Hussainganj, Dist- Siwan
 2. Shahabuddin Sai @ Md. Shahabuddin, son of Maqbool Sai, Resident of Village- Jalonepur, P.S.- Hussainganj, Dist- Siwan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Yogesh Chandra Verma, Sr. Advocate
: Mrs. Prem Sheela Pandey, Advocate
For the Informant : Mr. A.K. Pandey, Advocate
For the State : Mr. Ashok Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

5 14-07-2015 Heard the learned counsel for the petitioners, the State and the informant.

The petitioners seek bail in Siwan (Mahila) P.S. Case no.99/2014 registered for the offence punishable under Sections 366A of the Indian Penal Code.

The allegation against the petitioners is to have kidnapped the minor daughter of the informant.

It is submitted that the alleged victim girl had gone with the petitioners on her own sweet will. The petitioner no.1 has married her and she has also given birth to a baby.

The learned counsel for the other side submits that there is specific allegation of overt act against the petitioners and during investigation, the victim girl aged about 16 years has made statement

under Section 164 Cr.P.C. before the learned Magistrate on 4.06.2014 in which she has stated that on 18.05.2014, the petitioners offered her breakfast while she had gone to market to purchase meat. After taking breakfast, she became senseless and both of them (petitioners) took her to Delhi and confined her in a room and both of them committed her rape several times. When they came to know that a case had been instituted against them, they brought her back and left her at Mairwa station and she wished to go to her parents. After investigation, the case has been found true and the charge sheet has been submitted against the petitioners for the offence punishable under Sections 366A, 376/34 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.

Considering the facts and circumstances of the case, in my opinion, the petitioners do not deserve bail at this stage. Their prayer for bail is rejected.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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