

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23475 of 2014

Arising Out of PS.Case No. -41 Year- 2012 Thana -ARWAL MAHILA District- JEHANABAD

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1. Abhay Paswan Son of Banshraj Paswan Resident of Village - Janakpur,
P.S. and Distrit - Arwal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 05-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 29.12.2013 in a case initially registered for the offences punishable under Sections 366A/34 of the Indian Penal Code. Subsequently sections 363,372,373 and 376 IPC were also added.

The prosecution case is that the minor daughter of the informant was kidnapped. Name of the petitioner sprang up on recovery of the victim girl.

It is submitted by the learned counsel for the petitioner that the FIR was lodged after thirteen days of the alleged occurrence. The petitioner is not named in the FIR. The victim named only one Abhay whereas identification of the petitioner has not been made.

It is submitted by learned counsel for the state that the victim in her 161 Cr.P.C. statement has stated that this petitioner took the victim on promise to get her meet with her beloved Amit and thereafter established physical relationship and she was forced to do dance practice. It is further submitted by the learned counsel for the petitioner that it is simply a case of love affair whereas medical report does not suggest any case of forceful physical relationship.

Considering the fact that the victim was aged about 13 years though the medical report suggests her age as 15 years, this court is not inclined to grant bail to the petitioner at present in connection with Arwal (Mahila) P.S. Case No. 41 of 2012 pending in the court of the learned C.J.M., Jehanabad.

However, let the trial be expedited.

(Dinesh Kumar Singh, J)

Anil/-

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