

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45698 of 2014

Arising Out of PS.Case No. -77 Year- 2014 Thana -SONO District- JAMUI

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1. Daud Mian Son of Muddin @ Nizamuddin Mian Resident of village-
Choradhari, P.S.- Sono, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

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13-05-2015

Heard learned counsel for the petitioner as well as

learned APP assisted by learned counsel for the informant.

Preeti, a student of Class-IX is said to have enticed away by the petitioner, Daud Mian. It has also been alleged that at an earlier occasion also petitioner unsuccessfully attempted to lift the victim. The victim has been traced out and her statement under Section 164 has been recorded wherein she had alleged that Ajay and Daud forcibly lifted her and then Ajay took her away to Giridih and then Bokaro where he left her at the place of one Hari. After coming to know about the institution of the case, she was released. Her age has been estimated in between 14-16.

It has been submitted on behalf of the petitioner that case was instituted on 10.05.2014 and on the same day, petitioner was apprehended by the police from his house as is evident from para-14 of the case diary.

Furthermore, from the statement of the victim under Section 164 Cr.P.C., it is apparent that she had not corroborated

the allegation of the informant regarding unsuccessful attempt having been alleged against the petitioner at an earlier occasion. Also submitted that the matter is still hanging over framing of charge on account of presence of POSCO Act.

On the other hand, learned APP assisted by learned counsel for the informant opposed the prayer for bail and submitted that petitioner is the person who at an earlier occasion as well as at the present occasion, actively indulged in kidnapping of the victim. It has also been submitted that petitioner is threatening and for that a petition has been filed before the learned lower court making specific details of the mobile no. whereby such threatening have been made and further, an enquiry is being conducted. It has also been submitted that charge has already been framed.

Accordingly, prayer for bail of the petitioner, for the present, is rejected.

However, petitioner in case, so desire may renew his prayer after examination of the victim. Because of the fact that there happens to be presence of informant, in that event, it is expected that all the material witnesses should be examined without any undue delay.

(Aditya Kumar Trivedi, J)

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