

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30947 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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1. Md. Fahad @ Fahad Alam @ Md. Fahad Alam Son of Late Md. Guriya
Resident of village - Manman Lahgaria, Police Station - Barsoi, District -
Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 04-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Balrampur
P.S. Case No. 19 of 2015 registered for the offence punishable
under Sections 363, 366A of the Indian Penal Code.

Allegedly, Arefa Khatoon aged about 13 years the sister
of the informant became traceless and thereafter, the petitioner and
the sister of the informant were caught by Bengal Police and for
inquiry they were kept at Karan Dighi Police Station and then the
informant lodged the written statement.

Submission is that the victim girl being major and she
having love affairs with the petitioner has gone with the petitioner

out of her own sweet will and arranged Nikah and this fact has been supported by Kaji Ramijuddin in paragraph 41 of the case diary. The victim has been examined by the doctor and her age has been found 17-19 years and no injury has been found. She has been used in sexual intercourse for some time. During investigation by supervising authority also it has been found that the victim has arranged Nikah with the petitioner and before Notary also she has appeared and sworn affidavit.

Learned APP opposes the prayer of bail by submitting that the victim in her statement recorded under Section 164 Cr.P.C. has stated that she was forcibly kidnapped by the petitioner and others and further the petitioner assaulted sexually.

In the facts and circumstances stated above, considering the statement recorded under Section 164 Cr.P.C. of the victim and further that the doctor has also opined that the victim has been used in sexual intercourse for some time, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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