

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49472 of 2015

Arising Out of PS.Case No. -22 Year- 2014 Thana -GOH District- AURANGABAD

=====

1. Nawab Mian @ Nawab Khan S/o Sagir Mian resident of Village- Goh,
P.s Goh,District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Pramod Kr.Panday(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-02-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 366 and 120 (B) of the I.P.C

Allegedly, Punam Kumari aged 14 years, the daughter
of the informant, was kidnapped by the petitioner with the aid and
assistance of other co-accused. During investigation the victim girl
and the petitioner were caught by the police and then the statement
of the victim girl was recorded under section 164 Cr.P.C. wherein
she has stated regarding her kidnapping by the petitioner and co-
accused Dharmendra Paswan and further that the petitioner and
co-accused Dharmendra Paswan developed sexual relationship
with her one by one and again they developed sexual relationship

but when the victim girl was moving in the town with the petitioner both were caught on 04.02.2014.

Submission is of false implication and that the petitioner is suffering in custody since 04.02.2014, whereas, other co-accused Dharmendra Paswan has already been acquitted vide G.R. No. 15 of 2014/ Goh P.S. Case No. 22 of 2014 by the Special Judge POCSO Act, Aurangabad by judgment dated 07.02.2015 as during trial the victim girl has stated regarding innocence of the co-accused and as such the victim girl appears not reliable.

The learned A.P.P. opposes prayer for bail by submitting that in the statement and also in the deposition the victim girl has stated regarding the hands of the petitioner in her kidnapping and also in assaulting sexually and further the petitioner was caught with the victim by the police.

In the facts and circumstances as stated above, considering the allegation against the petitioner, heinous in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Goh P.S. Case No. 22 of 2014/ G.R. No. 30 of 2015 pending in the court of the Additional Sessions Judge 1st- Cum- Special Judge, Aurangabad.

However, considering the custody of the petitioner let

the trial be expedited and concluded as per amended proviso of
section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

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

