

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58606 of 2015

Arising Out of PS.Case No. -86 Year- 2015 Thana -HALSI District- LAKHISARAI

=====

1. Uday Paswan Son of Ram Bilash Paswan R/o Village Bachiya Bigha,
P.S. Halsi, District Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

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

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 17-05-2016

Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offence punishable under section 366 (A) of the I.P.C

Allegedly, Sabita Kumari, aged 14 years, the daughter of the informant was kidnapped by the petitioner and other co-accused. During investigation the victim was examined under section 164 of the Cr.P.C. wherein she has supported the allegation of kidnapping and further that the petitioner performed marriage with her forcibly and he has committed illegal act with her.

Submission is of false implication and that the petitioner has been made victim of the circumstances, no offence

punishable under section 366 (A) of the I.P.C. is made out, the victim girl is major and she had gone with the petitioner out of her own sweet will, the occurrence is said to be of 20.06.2015 but the First Information Report was lodged on 01.07.2015 after much delay and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the victim has supported the allegation of kidnapping as well as of rape committed by the petitioner and the Medical Board has found her age 15-16 years and further it is opined that forceful intercourse could not be excluded.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Halsi P.S. Case No. 86 of 2015 pending in the court of Sri Rajendra Das, Judicial Magistrate 1st Class, Lakhisarai.

(Jitendra Mohan Sharma, J)

Abhay/-

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