

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35006 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -BISFI District- MADHUBANI

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1. Md. Tavrez @ Md. Tevrez @ Md. Tabrej Son of Md. Manjoor, resident
of Village- Lakhanipur Maheshpatti, P.s.- Ujiyarpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 13 Adv. on record.
Mr. Rohit Kumar, Adv.
Mr. Jitendra Kumar Bharati, Adv.

For the State : Mr. Sri Ramchandra Singh, Addl. P.P. No. 51

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 15-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-363, 365 in which, subsequently, Section-376 of the
Indian Penal Code was also added and under Section-4/6 of the
POSCO Act.

Petitioner is not named in the first information report
but in course of investigation, some witnesses claimed to have
seen the petitioner carrying the victim girl. Subsequently, the
petitioner was arrested and made his confessional statement
leading to recovery of clothes of the petitioner. The blood stain
was found on the clothes of the petitioner. The victim was

medically examined and the doctor opined that she was subjected to sexual assault. Admittedly, the victim was aged about 3 years at the time of alleged crime.

Learned counsel, appearing for the petitioner based his submission on two counts; firstly, he submits that the informant claimed in her statement recorded u/S 164 of the Cr.P.C. that she could identify the person, who took her daughter but the petitioner was not put on TIP. Subsequently, the witnesses, who claimed to have seen the petitioner carrying the victim girl, have already been examined in course of trial but they have stated nothing against the petitioner.

Regard being had to the facts and circumstances of the case as well as submission of the parties; I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Bisfi (Aaunsi O.P.) P.S. Case No. 23 of 20150 pending in the court of learned Ist Additional Sessions Judge, Madhubani stands rejected.

(Hemant Kumar Srivastava, J)

A.K.V./-

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