

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43129 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -BARARI District- KATIHAR

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Md. Wakil @ Md. Wakil Ali @ Wakil Ali, son of Abdul Manan, resident of
village- Chhoti Tengariya, P.S. Barari, District- Katihar Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Sri Manoj Kumar – 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-10-2016

Heard Sri Bhola Prasad, learned counsel for the
petitioner and Sri Manoj Kumar no.1, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since
20.04.2016 in Barari(Semapur) P.S. Case No.82/2016,
corresponding to S. T.No. 165/16, registered for the offence under
Section 366A/34 of the Indian Penal Code, has prayed for grant of
bail.

By way of referring to F.I.R., it was submitted by
learned counsel for the petitioner that as per F.I.R. itself, the
occurrence had taken place on 02.04.2016, whereas F.I.R. was
lodged on 07.04.2016. He further submits that in the F.I.R., it has
been alleged by the informant that the daughter of the informant
had gone to school and thereafter she never returned, whereas in
her statement recorded under Section 164 of the Code of Criminal

Procedure, the victim girl has made completely a different story and she has stated that while she had gone to attend call of nature, she was kidnapped. He further submits that the victim was not recovered by the police but she voluntarily went to the house and, thereafter, her statement under Section 164 Cr.P.C. was recorded. According to learned counsel for the petitioner, the statement of the victim girl has been recorded under the influence of the family members. He submits that only with a view to pressurize the petitioner to marry with the victim girl, the present case was falsely instituted. He further submits that the victim was examined by the Medical Board and she was found major.

Be that as it may, keeping in view the statement of the victim girl recorded under Section 164 Cr.P.C. , copy of which has been brought on record as Annexure-3 to the petition, I am not inclined to extend the privilege of bail. However, keeping in view the fact that since the case has already been committed to the court of Sessions, while dismissing the prayer for bail of the petitioner, it is desirable to observe that the learned trial court may take appropriate steps, so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J)

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