

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31353 of 2016

Arising Out of PS.Case No. -343 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

=====

Mawalvi Faijul Rahman @ Maulbi Faijul Rahman @ Maulvi Faijur
Rahman, Son of Sheikh Amoor, Resident of Village: Siswa Basantpur,
P.S. Chautarwa, District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ram Adya Singh,
Mr. Parmod Ranjan, Advocates
For the State : Mr. Sri Abhay Kumar – 1, A.P.P.

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 11-08-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in a case registered under
Sections 363 and 366(A)/34 of the Indian Penal Code.

As per the allegation, the petitioner along with
others have abducted the minor “Bhagani” of the informant. The
girl was later on recovered and her statement was recorder under
Section 164 Cr.P.C.. Court has assessed her to be 14 years of age
and the petitioner has also disclosed her age to be 14 years.
However, it is contended that the doctor has opined that she is of
about above 17 years of age and below 19 years of age. The girl

has given graphic account of how she was abducted by the petitioner. She has stated that the petitioner had twice did wrong thing. However, learned counsel for the petitioner submits that the doctor has opined that there is no recent sign of sexual assault.

Be that as it may, in view of the seriousness of allegation made in the F.I.R. which stands fully supported and corroborated by the victim girl's statement recorded under Section 164 Cr.P.C. couple with the fact that even if it is assumed that she is of 17-19 years of age, she has not stated that she had willingly gone with the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, this application stands rejected.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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