

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2445 of 2016

Arising Out of PS.Case No. -261 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Md. Islam, S/o Md. Suleman, Resident of Village- Damodarpur, P.S. Kanti,
Distt. – Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 15-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Vaishali P.S. Case No. 261 of 2015, registered under Sections 363, 366(A), 376 and 120(B) of Indian Penal Code, Section 6 of POCSO Act and Section 3(i)(xii) of SC/ST Act, pending in the Court of Additional Sessions Judge-I, Vaishali at Hajipur.

The accusation is of kidnapping of daughter of the informant with intention to perform marriage with this petitioner.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was love affair in between the petitioner and daughter of the informant. The petitioner has falsely been implicated in this case due to village politics. The petitioner is in custody since 21.08.2015.

Learned counsel for the State vehemently opposed the

prayer of the petitioner and submits that victim is aged about 17 years as assessed by the Medical Board. He further submitted that on 22.08.2015 the statement of victim under Section 164 Cr.P.C. was recorded in which she has stated about her kidnapping and committing of rape forcibly upon her by this petitioner.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected

(Rajendra Kumar Mishra, J)

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