

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43118 of 2016

Arising Out of PS.Case No. -277 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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1. Jamshed Alam son of Jakkar Ali resident of Village- Bochagari, P.O.-
Kuthigola, P.S. Angar Hat, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 13-12-2016 Heard both sides.

The petitioner seeks bail in Kishanganj P.S. Case No.
277/2016, registered for the offences punishable under Sections 363
and 366A of the Indian Penal Code.

The informant lodged the case against unknown for
kidnapping of his minor daughter who had gone to deposit fees.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR but the victim was recovered and
she made her statement under Section 164 Cr.P.C. She disclosed the
name of the petitioner. The FIR was lodged after three days of the
occurrence but the recovery was made after 18 days of the
occurrence. The doctor examined the victim and did not find any
sign of rape. The petitioner filed a supplementary affidavit stating
that his minor son was confined by the informant and ransom was



demand. The informant lodged this case only to save his skin, *but* it appears from the records that the informant did not name the petitioner in the First Information Report. The victim made her statement under Section 164 Cr.P.C. on 20th July, 2016 and she disclosed that while she was going to deposit the school fees, the petitioner came in front of her on a four wheeler and asked her to board on the four wheeler so that he may drop her down near the school but the petitioner took her to a different destination and confined her in a room and repeatedly committed rape with her. On 18.07.2016, the man of the petitioner dropped her at Kishanganj bus stop from where she was brought to police station and she was medically examined. The victim is admittedly a minor, as it appears from the certificate submitted by the informant along with written application. The victim made specific allegation that the petitioner being acquainted with the father of the victim requested her to board the jeep on the pretext of dropping her to school but took her to different place and committed rape with her.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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