

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12493 of 2015

Arising Out of PS.Case No. -137 Year- 2014 Thana -DIGHALBANK District- KISANGANJ

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1. Md. Manzer Alam @ Me Manzer Alam S/o Tajamul R/o Village
Athgacchi, P.S. Garbhandanga, Dighalbank, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

7 13-01-2016 Heard the learned counsel for the petitioner, the
learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 366 (A), 341, 323, 328, 504, 506 and 34
of the I.P.C

Allegedly, the petitioner and other co-accused
kidnapped Pyari Begum, minor daughter of the informant, with an
intention to marry with her and further she was kept confined and
after recovery she gave her statement under section 164 Cr. P.C
wherein she alleged that at the point of knife she was kidnapped
and forcibly her Nikah was performed with the petitioner and the
petitioner committed illegal act with her in the captivity.

Submission is of false implication and that there was
love affair between the petitioner and the victim girl, the victim

girl went out of her own will with the petitioner and Nikah was performed with the consent of both but under pressure of the informant and other family members she changed her version and accordingly her statement under section 164 Cr. P.C. was recorded, the FIR has been lodged after much delay and as such the petitioner who is suffering in custody since 15.10.2014 deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the victim girl is minor and she was sexually assaulted by the petitioner after performing Nikah forcibly and further she was being assaulted also.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Dighalbank P.S. Case No. 137 of 2014 pending in the court of C.J.M. Kishanganj.

However, considering detention of the petitioner the trial court is directed to expedite the trial and to conclude the same preferably within six months.

(Jitendra Mohan Sharma, J)

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