

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13440 of 2016

Arising Out of PS.Case No. -337 Year- 2015 Thana -AMARPUR District- BANKA

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1. Md. Asad @ Asad son of Kayyum, Resident of village - Naya Tola
Garibpur, Police Station - Amarpur, District - Banka. Petitioner/s
Versus
1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Rina Sinha(App)

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

3 20-06-2016

Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Amarpur
P.S. Case No. 337 of 2015 registered for the offences punishable
under Sections 366-A, 341, 323 and 504/34 of the Indian Penal
Code.

Allegedly, Jahira, aged 14 years, the youngest daughter
of the informant was kidnapped by the petitioner and others and
during investigation, the statement of the victim girl has been
recorded under Section 164 Cr.P.C. wherein, she has supported the
allegation of kidnapping and further that the petitioner developed
physical relationship with her 4-5 times.

Submission is of false implication and that First
Information Report has been lodged after three days of the alleged
occurrence, the petitioner and the victim girl appeared themselves
before the police on 14.11.2015, earlier the victim has not stated

anything rather has filed petition before the police that she herself went with the petitioner but later on, under pressure of her parents she changed her version and gave false statement under Section 164 Cr.P.C. The victim has been medically examined and the doctor has not found any sign of injury and it is a case of love affair and, as such, the petitioner deserves sympathetic consideration and moreover now the matter has also been compromised.

The learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the statement of the victim girl, recorded under Section 164 Cr.P.C. wherein, she has supported the allegation of kidnapping and also of raping against the petitioner and, as such, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Amarpur P.S. Case No. 337 of 2015 pending in the court of learned C.J.M., Banka.

However, the petitioner may renew his prayer for bail after examination of the victim girl during trial.

(Jitendra Mohan Sharma, J)

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