

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46639 of 2017**

Arising Out of PS.Case No. -270 Year- 2016 Thana -KHAJEKALLAN District- PATNA

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1. Md. Suhail Son of Fakhruddin Resident of village- Chualal Ki Gali,  
Police Station- Khajekalan, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      08-11-2017              The petitioner seeks regular bail in connection with  
  
Khajekalan P.S. Case No. 270 of 2016, registered for offences  
  
punishable under Sections 363 and 366A of Indian Penal Code.

Allegation against the petitioner is of kidnapping the  
minor daughter of the informant and committing rape on her.

It has been submitted on behalf of the petitioner that  
entire allegation is falsified by the statement of I.O. in para -13, in  
which he has stated that he has found the informant along with his  
daughter and accused and on enquiry, it was found that his  
daughter has gone somewhere and now she has come. It has  
further been submitted that age of the girl was assessed as  
seventeen years taking the factor of plus minus two years, she  
appears to be major and there was love affair between the parties



and only due to pressure of the parents the girl has deposed against the petitioner in her statement under Section 164 Cr.P.C. Further submission is that in spite of giving written report, the same was kept for two days in police station and only on 19.10.2016, the case was lodged. Petitioner has been in judicial custody since 08.08.2017.

Learned counsel for the State opposed the prayer for bail and submitted that the girl in her statement recorded under Section 164 Cr.P.C. has stated about kidnapping and rape by the petitioner.

Having heard both sides, considering the fact and circumstances of the case and nature of allegation, at this stage, I am not inclined to release the petitioner on bail rather this application is disposed of with direction to the court below to release the petitioner on bail to his own satisfaction once charge is framed in this case with condition that he will cooperate in disposal of trial.

**(Vinod Kumar Sinha, J)**

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