

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1650 of 2017

Arising Out of PS.Case No. -339 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Chhotu Kumar Sah @ Rajeev Sah, S/o Late Kanti Sah, R/o Baghwabari,
P.S. Sahayak, Distt. - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 28-03-2017 Heard both sides.

The petitioner seeks bail in Katihar Sahayak P.S. case No. 339 of 2016 under Section 363 of the Indian Penal Code. Later on Section 372 of the IPC and Section 34 of Immoral Traffic Act were added.

The mother of the victim alleged that her daughter, aged about 12 years, had gone to shop for purchasing some articles on 11.05.2016 but she did not return.

Sri N. K. Agrawal, the learned senior counsel for the petitioner, submits that petitioner is not named in the FIR. The FIR was lodged on 15.05.2016, i.e., after four days of the occurrence. The victim returned after four months of the occurrence and made



her statement under Section 164 of the Cr. P. C. She narrated the story of her kidnapping. She stated that while she was returning after purchasing some articles the petitioner and Vijay Kumar forcibly got her seated on a motor cycle and took her to Bengal. She was sold in a brothel but she somehow fled away from there. It is submitted that from the facts itself, it appears that victim is a consenting party or the petitioner has falsely been implicated in the case but it appears that the victim has very categorically stated that petitioner and Vijay Kumar kidnapped her and took her to Bengal and sold her in a brothel. The victim is a minor girl and her consent is immaterial.

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

The petitioner, if so advised, may renew his prayer for bail after remaining one year in custody.

(Prabhat Kumar Jha, J)

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