

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33888 of 2018

Arising Out of PS. Case No.-201 Year-2017 Thana- AWADPUR District- Katihar

Md. Sanfaraz S/o Abdul Majid, Resident of Village- Sirajmani, P.S. Abadpur,
District Katihar(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh
For the Opposite Party/s : Mr. Sri Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-07-2018 Heard the learned counsel for the petitioner,
the informant and the State.

The petitioner seeks bail in connection with Abadpur P.S. Case No. 201 of 2017 dated 11.12.2017 instituted for the offences under Sections 363, 366(A), 504 and 34 of the Indian Penal Code.

The petitioner and others have been named for abducting the minor 13 year old daughter of the informant. It has been alleged in the FIR that because of old land dispute, the petitioner and others have caused the disappearance of his daughter for bringing a bad name to the family of the informant. The daughter of the informant, later on, was recovered who has given her statement under Section 164 Cr.P.C. that she was abducted at the hands of the accused persons and the petitioner had, during the period of her captivity, raped her.



Learned counsel appearing for the petitioner however has submitted that there was a love affair between the deceased and the petitioner; which fact was not to the liking of the family members of either side. It was with the consent of the victim girl that the petitioner had left his home to find solace at some other place but he was unfortunately arrested. It has further been submitted that independent persons have made disclosure before the police during investigation that the petitioner had an affair with the victim and that in order to blackmail the family of the petitioners, the present case has been lodged by the informant.

Learned counsel for the informant has however informed this Court that after investigation, the police has submitted charge sheet against the petitioner and others under Sections 363, 366A, 376 and 504 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

Regard being had to the fact that there is specific accusation against the petitioner of having raped the victim girl, who is found to be a minor, I am not inclined to grant bail to him for the present.

The prayer for bail is hereby rejected.

(Ashutosh Kumar, J)

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