

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.158 of 2018

Arising Out of PS.Case No. -574 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

=====

1. MD. SAHIM @ CHHOTU @ MD. CHHOTU, Son of Md. Zafar @ Md. Deepak Kumar Sah, Resident of Akharaghat Near the Naka, P.S.- Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Ram Sevak Choudhary

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 24.03.2017 in connection with Sadar P.S. Case No. 574/2016 for offences punishable under Sections 363, 366, 380, 384, 448, 504/34 of the Indian Penal Code.

The prosecution case by way of complaint case, is that the informant's daughter Priti Kumari was taken away by the petitioner and others. The informant and family members were also assaulted by the petitioner and other co-accused.

It has been submitted by the learned counsel for the



petitioner that he is innocent, there was love affair between the petitioner and victim girl and now they are married husband and wife. He further submits that the charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl in her statement under Section 164 Cr.P.C. has stated that the petitioner forcefully had taken her away and solemnized marriage and also committed rape in spite of the fact that she was a married lady. He further submits that the medical report also suggests her to be a minor.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sadar P.S. Case No. 574/2016, pending the court of learned Chief Judicial Magistrate, Muzaffarpur. However, petitioner is at liberty to renew his prayer for grant of bail after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

