

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23864 of 2018

Arising Out of P.S.Case No. -85 Year- 2016 Thana -TIKAPATTI District- PURNIA

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Munsabh @ Munsab Maitha S/o Aleem @ Aalim Baitha, R/o Vill.-
Chapahri, P.S.- Rupauli, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jawed Ahmad

For the Opposite Party/s : Mr. Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Tikapatti
P.S.Case No.85 of 2016 registered under Section 363 and 366/34
of the IPC. pending in the Court of Judicial Magistrate, Ist Class,
Purnea.

The allegation as per written report is that this petitioner
and six others forcibly kidnapped the minor daughter of the
informant.

It has been submitted that the allegation of kidnapping
is omnibus against seven persons. The petitioner has been
implicated on account of old enmity. The victim has been
recovered on the next date of occurrence near the school and she
was produced before the Magistrate for recording statement under



section 164 of the Cr.P.C. after lapse of more than one week of recovery. The petitioner is in custody since 05.02.2018 having clean antecedent and so he deserves to be enlarged on bail.

The learned APP opposed the submissions.

On perusal of FIR, it appears that the petitioner is main accused having specific allegation that he kidnapped the minor daughter of the informant on the point of knife. In course statement under section 164 of the Cr.P.C. she has specifically alleged that this petitioner pointed knife and lifted her on a motorcycle. He moved the victim to his sister's place and thereafter at his house from where she was recovered. The doctor examined the victim and assessed her age in between 14 to 15 years. The doctor has found spermatozoa in pathological test and also sign of sexual intercourse.

Considering the above material in case diary. I am not inclined to grant him bail. His prayer for bail is accordingly rejected.

(Sanjay Kumar, J)

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