

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54481 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -BANGAON District- SAHARSA

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Subhan Khan, son of Late Habeeb Khan, resident of Village- Argada, Police
Station- Ramgarh, District- Ramgarh (Jharkhand).

... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-01-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in connection with Bangaon
P.S. Case No. 35 of 2017 dated 24.04.2017 which was initially
instituted for the offences under Sections 366(A) of the Indian
Penal Code and Section 4 of the POCSO Act but charge sheet has
been submitted under Section 376 of the Indian Penal Code along
with Section 366A and Section 4 of the POCSO Act.

The niece of the informant, after having gone out of
the house, did not come back. Later, it was learnt that she is in
Delhi.

The victim, in her statement recorded under Section
164 Cr. P.C. has alleged that the petitioner was the driver of her
father and he had come to Bangaon and after administering



sweetmeat to her, took her to Delhi. She has also stated that she was ill-treated by the petitioner and the petitioner was contemplating of selling her to somebody else. In her statement recorded under Section 161 Cr. P.C., the victim has stated that for about seven days, the petitioner had subjected her to sexual intercourse.

The petitioner is in custody since 08.05.2017.

Mr. Zeyaul Hoda, learned counsel for the petitioner has submitted that the allegations made by the prosecutrix does not appear to be correct inasmuch as it is not probable that the victim would not raise any hue and cry in the train while she was being taken to Delhi. It has further been submitted that from the surrounding/attending circumstances it appears to be a case of love affairs between the petitioner and the prosecutrix. The statements which have been made by the prosecutrix are under duress and on tutoring by her parents and other family members.

However, considering the accusation against the petitioner, this Court is not inclined to grant bail to him for the present.

Accordingly, prayer for bail is rejected.

(Ashutosh Kumar, J)

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