

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55354 of 2018

Arising Out of PS. Case No.-223 Year-2018 Thana- KADWA District- Katihar

Md. Sabar @ Sabar Son of Jhubba @ Taimur Husen, resident of Village-
Shiru Tola (Dhobighatata), Police Station- Kadwa (Balua Belone O.P.),
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kadwa (Balua Belone O.P.) P.S. Case no. 223 of 2018
registered under Sections 363, 365 and 120B of the Indian
Penal Code.

Minor daughter of the informant is said to have
been kidnapped by the petitioner and four other accused persons
named in the F.I.R. and was kept at some unknown destination.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. As a matter
of fact, the victim was in love with the petitioner and suo motu
eloped with her and informant had knowledge of eloping of the



victim since the date of occurrence but he has filed the aforesaid case after abnormal delay of around six days.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that as per the statement of the victim recorded under Section 164 Cr.P.C., petitioner along with four other accused persons kidnapped her while she had gone to the field for defecation and took her to Delhi where the petitioner kept her in a room and committed rape against her forcibly for sixteen days. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the court below and seek regular bail and the court below shall dispose of the bail petition in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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