

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52698 of 2018

Arising Out of PS.Case No. -142 Year- 2018 Thana -ARARIA District- ARARIA

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Md. Sawood Alam @ Md. Saud Alam @ Sawood Son of Bharuddin
Resident of Village- Fatkan Tola, Ward No.- 10, Belwa P.S. & District-
Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioner as well as
learned Additional P.P.

Petitioner seeks regular bail in connection with
Araria P.S. Case No.142 of 2018 registered for the offences under
Sections 365, 366, 504, 506/34 of the Indian Penal Code.

There happens to be an allegation against the
petitioner to have kidnapped Raziya Sultana aged about 16 years
along with others. Victim during course of statement under
Section 164 of the Cr.P.C. had not only pinpointed the petitioner
to be her kidnapper rather she also alleged that he kept her under
his captive for 22 days and during course thereof, committed rape.

Learned counsel for the petitioner has submitted that
as per medical evidence, victim has been identified to be major.



Also submitted that being major, victim had joined hands to be the petitioner of her own volition and further, married with him. Subsequently thereof, under the influence of her parents, she changed her colour and levelled such kind of allegation.

Learned Additional P.P. opposed the prayer.

In spite of forbidden by the Hon'ble Apex Court that age of victim should not be ascertained by way of the medical evidence, still the procedure is being carried on.

Be that as it may, considering the statement of the victim, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

N.H./- R.S. Sen

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