

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74022 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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Md. Azad @ Azad, Son of Akhtar Ali, Resident of Village- Manjhi, Mali Tola,
P.S. Manjhi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar
For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-12-2018 Heard both sides.

Petitioner apprehends his arrest in Bela P.S. Case
No.54 of 2018, registered under Sections 363, 365 and 366(A)
of the Indian Penal Code.

The informant, the Hostel Superintendent of Mahila
Polytechnic, Bela, Muzaffarpur alleged that four girls had gone
to market but three returned and the victim did not return. The
Hostel Superintendent alleged that the victim disclosed that she
was going to see Azad.

Learned counsel for the petitioner submits that the
victim moved around with the petitioner and she did not raise
alarm. The victim herself disclosed that she was taken from
hostel but the friends of the victim disclosed that she went to see



Azad from the market. It is further submitted that the victim remained with the petitioner at different places but she did not raise any alarm or protest. The victim was a consenting party. She further disclosed that mother and father of Azad left her in Maranchi police station. It is submitted that there is no ingredients of kidnapping but from perusal of the statement of the victim recorded under Section 164 Cr.P.C., it appears that the victim is a minor aged about 15 years old and she very categorically stated that the petitioner took her to different places and also kept her in the house of her sister and tried to establish physical relation but on protest the petitioner could not succeed.

Considering the facts and nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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