

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1855 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- TERHAGACHH District- Kishanganj

Naushad Alam Son of Asaru Alam, resident of Village - Dahibhat, P.S.-
Terhagachh, District – Kishanganj. Appellant.

Versus

The State of Bihar. Respondent.

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 03-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The appellant seeks bail in connection with Terhagachh P.S. Case No. 25 of 2019 registered under Sections 363 & 366-A of the Indian Penal Code and Section 3 (2) (v9), 3 (2) (v) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

Appellant is said to have kidnapped the minor daughter of the informant with the help of Sunita Kumari and other named accused persons.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to drainage dispute. The offence is said to be of 08.02.2019 but the F.I.R. was lodged on 12.02.2019 after the delay of four days. The victim was not



recovered by the police rather he turned up before the police along with the parents on the date of filing of the F.I.R. In the medical examination, she was found major aged about 18-20 years. Appellant has no criminal antecedent and has been languishing in custody since 14.02.2019.

Per contra, learned Spl. PP for the State opposing the prayer for bail submitted that the appellant has kidnapped minor daughter of the informant and the victim in her statement made under Section 164 Cr.P.C. has candidly stated that the appellant has kidnapped her, gagging her mouth and kept in the house of Sikandar tying her hands. He wanted to marry with her. He also made sexual intercourse with her for two days. Hence, he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of framing of the charge.

Accordingly, this appeal is dismissed.

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(Prakash Chandra Jaiswal, J)

