

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44203 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- SAUR BAZAR District- Saharsa

MD. MIRAJ ALAM @ MD. NASAR ALAM @ MD. NIROJ ALAM Son of
Md. Sabbir Alam Resident of Village- Bhada Ward No. 3, P.S.- Sour Bazar,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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

ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and
the learned A.P.P. for the State.

The petitioner apprehends his arrest in a
case registered for the offences punishable under
Sections 363 & 366 A/34 of the Indian Penal Code.

The daughter of the informant is said to
have been kidnapped by the petitioner along with other
accused persons named in the F.I.R.

Learned counsel for the petitioner submitted
that no such occurrence as alleged ever took place. The
petitioner is quite innocent and has been falsely
implicated in this case. As a matter of fact, the victim



happens to be major and she was in love with the petitioner and eloped with the him suo motu and performed marriage with him. The doctor has not found any sign of sexual assault committed against the victim. Petitioner has no criminal antecedent. Hence, he may be enlarged on bail.

Per contra, learned APP for the State opposing the bail petition submitted that the petitioner kidnapped the daughter of the informant along with other accused persons. The victim in her statement made under Section 164 Cr.P.C. has stated that the petitioner kidnapped her along with other accused persons blindfolding and gagging her mouth and took her to Panipat and thereafter to Gurgaon and all of them committed rape against her thereafter they fled away leaving her in village Rampur. Witnesses have also supported the occurrence of kidnapping by the petitioner. Hence, the petitioner does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender



before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

