

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54450 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- SAHIYARA District- Sitamarhi

LADDU @ ASLAM, aged about 24 years, Male, Son of Salim Nadaf,
Resident of Village - Yogivana, P.S.- Bathnaha, District – Sitamarhi
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Shahiyara P.S. Case No. 20 of 2018, pending in the Court of the
Additional District Judge, I, Sitamarhi, registered under
Sections 363, 366A and 372 of the Indian Penal Code.

The accusation is that on 31.01.2018, daughter of the
informant, aged about 12 years, while had gone to Middle
Government School, Kodwara, but, she did not return. The
informant searched her, but, no trace was found. Informant
raised suspicion that his minor daughter has been kidnapped
either for the purpose of sale or performing marriage.

The learned counsel appearing on behalf of the
petitioner submits that in fact after alleged kidnapping, the
petitioner performed marriage with the daughter of the



informant and both are living together and, in this regard, a compromise petition signed by the petitioner and the victim has been filed on 05.04.2019 in the Court of the Additional Sessions Judge, I, Sitamarhi, at the time of disposal of pre-arrest bail of the petitioner vide A.B.P. No. 25 of 2019.

The learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner and submits that the victim was recovered from the house of the petitioner and her statement was recorded under Section 164 of the Criminal Procedure Code in which she has clearly stated about her kidnapping by this petitioner and on the basis of threat committed rape on her taking her to different places and her age was assessed at the time of recording the statement at about 15 years. More over, in the alleged compromise petition, which is said to be filed by the victim and the petitioner in A.B.P. No. 25 of 2019, before the Court of Additional Sessions Judge, I, Sitamarhi, signature of the informant is wanting.

Having regard to the facts and circumstances of the case as well as the nature of occurrence, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which



will be considered on its own merit and without being
prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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