

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60482 of 2019

Arising Out of PS. Case No.-395 Year-2017 Thana- AAJAM NAGAR District- Katihar

NAJMUL @ NAJBUL Son of Saifuddin R/O - Dhabol, P.S.- Prampur, Distt.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-11-2019 Heard both sides.

The petitioner apprehends his arrest in Azamnagar
P.S. Case No.395 of 2017 registered under Sections 366/34 of
the Indian Penal Code.

The mother of the victim disclosed that her daughter
was missing from the house with her son. During the course of
search, the petitioner is said to have disclosed that he got her
daughter along with her child seated in the train.

The learned counsel for the petitioner submits that
victim was a major girl. After sometimes, she returned and made
her statement under Section 164 Cr.P.C. and disclosed that
petitioner kidnapped her. The petitioner took her to Delhi and
also forcibly established physical relation with her but in fact
from the F.I.R. it appears that the victim was consenting party



and she moved thereon with the petitioner and made false allegation of establishing physical relation against the petitioner.

It appears from the ordersheet of the learned Sessions Judge that the victim made statement under Section 164 Cr.P.C. and she very categorically disclosed that petitioner kidnapped her and took her to Delhi. The petitioner forcibly established physical relation with her.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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