

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70776 of 2018

Arising Out of PS. Case No.-328 Year-2017 Thana- BAJPATI District- Sitamarhi

Md. Shahid S/o Md Rahman, villPost- Muraul, P.S.- Bajpatti, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Sri Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bajpatti P.S. Case No. 328 of 2017 for the offence punishable
under Sections 363, 366(A)/34 of the Indian Penal Code.

The case as set out in the written complaint made by
the informant before the Police is that his daughter aged about
17 years is missing since 08.12.2017 and the villagers have told
him that the petitioner herein had taken her minor daughter
along with him in a tempo. It has been further stated by the
informant that when he had gone to the house of the petitioner,
his wife told the informant that the petitioner is missing from
the home since the afternoon of 08.12.2017.

The learned counsel for the petitioner has submitted



that the statement made by the victim girl under Section 164 Cr.P.C., before the learned trial court, would bear it out that the petitioner has not engaged in any sexual abuse with the victim girl, hence no case is made out under Section 366(A) of the Indian Penal Code. It is further submitted that the petitioner has a clean antecedent and is rotting in jail since 22.06.2018.

I have heard the learned counsel for the petitioner and perused the statement made by the victim girl under Section 164 Cr.P.C. from which it is clear that the petitioner had enticed the victim girl by administering some drug resulting in the victim girl losing her sense whereafter she was taken to Mumbai for being sold to some other person, however, the victim girl managed to escape from the clutches of the petitioner.

In the facts and circumstances of the case, I find that the petitioner has engaged in serious offence, hence he is not liable to be granted the privilege of regular bail. Hence, the present petition is dismissed.

(Mohit Kumar Shah, J)

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