

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26900 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- KASIMBAZAR District- Munger

MD. SAMIR Son of Md. Shamim Resident of Village- Mansaritalle, Kasim Bazar, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Adv.

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2020 Heard Mr. Mr. Harish Kumar, learned counsel for the petitioner and Mrs. Rina Sinha, Additional Public Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with Kasim Bazar PS Case No. 89/2019 registered for the offence punishable under Sections 363, 366(A), 364 IPC.

3. The allegation against petitioner, as per First Information Report, is that when informant returned back to her house after purchasing some vegetables from the market, she found her daughter missing. It has further been alleged that upon enquiry, the informant came to know that the petitioner along with other accused persons with a pre-planned conspiracy abducted her minor daughter for the purpose of marriage and making illicit relations with the victim girl.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case inasmuch as there was love affair between petitioner and the victim girl and the petitioner as well as the victim girl wanted to marry with each other. Learned counsel for the petitioner submits that due to the fact that both the persons i.e., the victim girl as well as the petitioner are of different religion, the marriage could not be solemnized.

5. Learned counsel further submits that the statement of the victim girl has been recorded by learned Magistrate in which the Magistrate has assessed the age of the victim girl as 18 years and the victim girl has not stated anything against the petitioner that she was subjected to any sexual assault by the petitioner.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the victim girl in her statement recorded under Section 164 CrPC, has categorically stated that she was forcibly taken to Kolkata and Delhi by the petitioner and the victim has disclosed her age as 15 years before the learned Magistrate and the informant has also disclosed that the victim is a minor, I am not inclined to grant regular bail to the petitioner at this stage. Accordingly, the same is rejected.



7. However, petitioner, if so advised, may renew his prayer for bail after six months from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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