

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28681 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- ABADPUR District- Katihar

Tabrez, Male, aged about 20 years, Son of Rafid, Resident of Village -
Dulhari Sonapur, P.S.- Abadpur, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate
For the State : Mr.Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Abadpur
P.S. Case No. 36 of 2019 registered for the offences punishable
under Sections 363, 366A/376 of the Indian Penal Code and
Section 4 of POCSO Act.

The prosecution story is that daughter of the
informant namely Ansari Khatoon aged about 15 years was not
in his house on 02.03.2019 and after search, he came to know
that petitioner along with Basiruddin has taken away the victim.
Phone No. of petitioner is 7620599470, phone of Basiruddin is
7797363185 and phone of victim is 7047756764 and petitioner
was in contact with the victim. The accused persons used to call
from Mobile No.9582603865. The other accused persons who
were in conspiracy in kidnapping the victim are Parwin



Khatoon, Rafeed, Parwaz, Ruba Khatoon and all of them have conspired in kidnapping of the victim.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case by the informant who was against love affairs of petitioner with the victim. He further submits that the date of occurrence is 02.03.2019 and F.I.R. has been lodged on 19.03.2019 after delay of 17 days without explaining any delay in lodging F.I.R. He further submits that the date of birth of victim is 06.05.2001 and on alleged date of occurrence, victim was major aged about 18 years which would appear from the entry made at paragraph no.50 of the case diary by the I.O. mentioning entry of details of admission register of Middle School Shivanandpur, Barsoi. So the informant in the F.I.R. has wrongly mentioned the age of the victim as 15 years. He further submits that the victim was recovered by the police from the village and she was sent for Medical Examination and the doctor did not find any injury or sign of rape on the person of the victim. He further submits that the independent witnesses have also supported the prosecution case.

Learned A.P.P. for the State opposed the bail petition and submits that the victim has supported the prosecution case



under Section 164 Cr.P.C. and other witnesses have also supported the prosecution case.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in connection with Abadpur P.S. Case No.36 of 2019 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Katihar is hereby rejected at this stage.

(Anjani Kumar Sharan, J)

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