

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12815 of 2021**

Arising Out of PS. Case No.-139 Year-2020 Thana- HARLAKHI District- Madhubani

MD SHABBIR @ BABALU SON OF ABDUL JABBAR R/o village-
Naharniyan, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv.
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Prem Ranjan Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Harlakhi P.S. Case No.139/2020 registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code. He is in custody since 12.09.2020. Petitioner has got no criminal antecedent.

As per the prosecution story, the daughter of the informant being aged about 14 years studying in class-IX had gone outside her house to ease out, but she did not return home

on 20.08.2020. On 22nd August the informant came to know that his daughter has been taken away by this petitioner with an intention to marry her. Later on the daughter of the informant was recovered with this petitioner from an area falling within Bapu Nagar police station at Ahmedabad in the State of Gujarat.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The occurrence is of 20.08.2020 whereas the FIR has been lodged after six days. It is submitted that the informant has not disclosed the name of the persons who had given him the information regarding kidnapping of the victim by this petitioner. It is lastly submitted that the family of the petitioner and the informant are residing in the same area and due to earlier enmity this petitioner has been implicated.

On the other hand, learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner. It is submitted that the victim girl is minor. From the impugned order it will appear that the learned Judicial Magistrate assessed her age as 14 years. The doctors have examined the victim and found her age about 16-17 years, therefore, she was minor whereas this petitioner is major and he had in fact been found with the victim girl at

Ahmedabad. The victim girl has made her statement under Section 164 Cr.P.C. in which she has alleged that this petitioner had kidnapped her and she was being assaulted and this petitioner was committing wrong act with her after taking out her clothes. The allegation is that that the petitioner was forcibly establishing relationship with the victim girl.

Considering the facts and circumstances of the case, the age of the victim girl and the kind of allegations, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited.

The prosecution must cooperate with the trial and the learned court below shall proceed with it as early as possible and all endeavours be made to conclude the trial within a period of nine months from the date of communication of this order. The records will be kept on shorter dates.

If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.