

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12723 of 2021

Arising Out of PS. Case No.-743 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

MD. MAHTAB @ MUHAMMAD MAHTAB @ MD. MEHTAB ALAM, S/o
Sri Fakare Alam @ Fakare, Resident of Village - 884/2, Adarsh Nagar,
Rawatpur Goan, P.S. - Rawatpur, District - Kanpur Town. Presently residing
at village - 117/P/1/65 Shivpuri Kakadev, P.S. - Naveen Nagar, Distt. -
Kanpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-09-2021

Heard the parties in virtual Court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

The statement of the victim-girl, recorded under Section 164 Cr.P.C., would reveal that she was aged about seventeen years. The learned Magistrate has also assessed her age as seventeen years. There is no other material in proof of age of the victim-girl. She has stated that on inducement of the petitioner, she had gone along with the petitioner and the petitioner committed physical exploitation and was pressuring for change of religion.

Even if the submission of learned counsel for the



petitioner is assumed as correct for argument sake that the victim was a consenting party, she was evidently a minor, hence, her consent was immaterial.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on bail in connection with Begusarai Town P.S. Case No. 743 of 2019 pending in the Court of learned Chief Judicial Magistrate, Begusarai.

Hence, prayer is refused.

Learned Trial Court is directed to expedite the trial of the case.

(Birendra Kumar, J)

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