

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13888 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- KALYANPUR District- East Champaran

SADDAM HUSSAIN S/o- Jumrat Khan Resident of Village - Kalyanpur, P.S.
- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 01-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Kalyanpur P.S. Case No.
235 of 2020, registered for the offence punishable under
Sections 363, 366(A) and 34 of the Indian Penal Code.

As per the prosecution case, this petitioner and other
named accused persons came at *Darwaja* of informant and
forcibly took the minor daughter of informant on Apache
motorcycle for the purpose of marriage.

It is submitted on behalf of the petitioner that
petitioner is co-villager and no such incident has ever taken



place. Petitioner has falsely been implicated in this case due to village politics. There is inconsistency between the story as alleged in the FIR and statement of victim girl recorded under Section 164 Cr.P.C. Moreover, as per medical report, the age of victim girl is between 17 to 18 years. Petitioner claims clean antecedent and he is in custody since 18.09.2020.

Learned APP however, vehemently opposed the prayer for bail and submitted that the victim girl has supported the prosecution case in her statement under Section 164 Cr.P.C and her age has been assessed as 16 years and from other records it also appears that victim girl is minor.

Considering the facts aforesaid and the fact that there is specific and direct allegation against this petitioner of kidnapping the minor daughter of informant, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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