

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16451 of 2020

Arising Out of PS. Case No.-399 Year-2018 Thana- DHAKA District- East Champaran

LAL BABU @ LAL BABU KHAN Son of Late Salam Khan R/o Village -
Pandari, P.S. - Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Binod Kumar- III APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 28-06-2021

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Dhaka PS Case No. 399/ 2018 registered under Section 363, 366(A)/34 of the Indian Penal Code.

The mother of the victim disclosed that her daughter aged about 16 years had gone to school but she did not return. The informant made search but her daughter could not be traced out. Sunita Devi, another daughter of the informant, disclosed that from mobile No. 7557724065 a call was made on her mobile No. 9546887212 by the victim. The victim disclosed that Lalbabu kidnapped her with an intention to sell her and other accused persons, namely, Monid Khatoon, Raushan Khatoon, Md. Sartaj kept her in a room with the help of Dr. Samiullah and Sk. Kalimullah and they brought her to Motihari under the fear of death and took her to some other destination.

The learned counsel for the petitioner submits that the



occurrence took place on 18.09.2018 but the FIR was lodged on 30.09.2018. During this period the informant and her daughter was having telephonic talk with the victim but it is very surprising that the informant and her daughter did not inform the police. It is further submitted that since the petitioner has got land dispute with the informant the petitioner has falsely been implicated in the case but from perusal of case diary, it appears that almost all the witnesses have reiterated the facts that it was the petitioner who kidnapped the victim and sold her to some another person. Mobile data are directed to be taken. The auto driver also disclosed that a girl was sitting in his auto rickshaw along with other accused persons but he did not identify the girl. The victim is still traceless.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below the learned court below shall consider the prayer for regular bail of the petitioner on merits without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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