

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29635 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- FORBESGANJ District- Araria

MD. TANWIR ALAM Son of Abbas @ Md. Abbas Resident of Village-Gogi
Pothia, Ward No. 13, P.S.- Forbesganj (Simraha), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate.

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-01-2021 This matter has been taken up in virtual Court.

Heard the parties.

The petitioner is languishing in custody for the
offence punishable under Sections 363 and 364A/34 of the
Indian Penal Code.

Allegation against the petitioner is that he kidnapped
to minor daughter of the informant to whom the petitioner was
giving tuition. Later on the victim in her statement recorded
under Section 164 Cr.P.C. stated that the petitioner forcefully
took her and ravished her on different dates.

Learned counsel for the petitioner submits that the
injury report would reveal that the doctor has found hymen
ruptured, but no recent sign of sexual assault was noticed as
there was no injury on private or external part of the body of the



victim.

On dental examination, the age of the victim was assessed in between 14 to 16 years and it is surprising as on what basis the doctor concluded that the age of the victim is in between 17 to 19 years, through there was no ossification report or otherwise report of medical examination.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on bail in connection with Forbesganj (Simraha) P.S. Case No. 59 of 2020.

Hence, prayer is refused.

Learned trial Judge is directed to expedite the trial of the aforesaid case.

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

