

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32909 of 2020

Arising Out of PS. Case No.-139 Year-2019 Thana- BALIA BELON District- Katihar

Md. Munajir Hussain @ Munajir Hussain @ Munajir Hasan Son of Samim
Akhtar resident of village- Panchgachhi, P.s.- Ballia Bilon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 366A/341/323/504/34 of the Indian Penal Code in connection with Ballia Belon P.S. Case No. 139 of 2019.

Petitioner allegedly ravished to the daughter of the informant by kidnapping her. The victim has supported the allegation.

Learned counsel for the petitioner submits that the statement of the victim, recorded under Section 164 Cr.P.C., would show that she travelled along with petitioner to different places without making any protest or alarm; rather she left the house in the night along with the petitioner. However did not



raise any alarm to wake up her family which shows that the victim was a consenting party. The doctor has assessed her age between 18 to 19 years. Learned counsel for the petitioner submits that the victim was recovered after three hours of the lodging of the FIR. There is delay of 16 days in lodging of the FIR. The petitioner is in custody since 31.12.2020.

Since the victim has clearly stated that she was ravished without her consent presumption would be that she had not consented for that.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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