

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.38696 of 2020**

Arising Out of PS. Case No.-166 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

SUBHAN son of Atabul Resident of Kalosoni (Patkoi), P.S. Kochadhaman,  
District- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      13-07-2021                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kochadhaman P.S. Case No. 166/2020 registered for the offences punishable under Section 366, 363, 372, 373 and 12(B) of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Kishanganj.

As per prosecution story, the informant has alleged that his eldest daughter went missing from her house since last four months. The daughter of the informant informed him that Subhan has taken her away and sold her to Md. Hanif and Md. Hanif had brought her to Chandigarh and was trying to sell her to some unknown persons. The informant after getting this information had gone to the village of Subhan and caught him and he disclosed that he had sold his daughter to Md. Hanif and with the help of



villagers the informant handed over Subhan to police. The age of the daughter of the informant is 19 years.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and this has happened because the father of the victim girl wanted to pressurize the petitioner to marry her. According to him the victim was married as per Muslim rituals in West Bengal and in this connection a matrimonial deed has been brought on record as Annexure '2'. It is submitted that after successful marriage she wanted to marry this petitioner who is her maternal cousin.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. submits that the victim girl has made her statement under Section 164 Cr.P.C. in which she has narrated the entire story as to how she was taken to Kishanganj with this petitioner and then she was sold to one Md. Hanif and he had also sold her to one Md. Firoz.

Learned A.P.P. submits that in the petition filed before this court, in paragraph '5, it is the case of the petitioner that the daughter of the informant was in love with him and for that reason she wanted to marry him and in order to pressurize the petitioner the case has been registered, therefore, the petitioner himself admits that there was a love affair between the petitioner and the victim girl and the victim shows in her statement that she was



taken by this petitioner to Kishanganj on the pretext of marriage, therefore prima-facie this petitioner seems to have allured the victim, brought her to Kishanganj and from there she was sold.

Considering the facts and circumstances of the case, wherein the victim girl has made specific allegation in her 164 Cr.P.C. statement narrating the entire occurrence as to how she was brought to Kishanganj on the pretext of marriage and then she was sold to some other person who again sold her to another person, this Court is not inclined to release the petitioner on regular bail.

Prayer for regular bail of the petitioner is, thus, refused at this stage.

Let the trial be expedited.

The trial court is expected to proceed with the trial as early as possible and conclude the same preferably within a period of nine months from the date of start of normal functioning of the court.

If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

