

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7708 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- SUPAUL District- Supaul

MD. ALI, S/o Md. Ibrahim R/o village- Pathra, Ward No. 04, P.S. and District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

For the Informant : Mr. Mohit Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Supaul P.S. Case No.223 of 2021 instituted under Sections 341,323,366A, 376(D) of the IPC and 4/12 POCSO Act.

The prosecution story, as it unfolds, state the informant daughter aged about 13 years, while returning from the market was kidnapped by the accused persons Md. Ali and it is further alleged that they abducted her for the purposes of marriage. It further alleges that this despite the fact that Md. Ali is already married and the victim girl was only 13 years old.

In this case, case diary was called on 27.04.2022 which has since been received.



Learned counsel for the petitioner by way of supplementary affidavit has tried to convince this Court that the lady has now married to another Md. Ali at Delhi and in that backdrop the case has lost its force.

Per contra, learned counsel for the informant Mr. Mohit Srivastava has drawn this Court's attention to para-154 of the case diary in which section 164 Cr.P.C. statement of the victim girl has been incorporated where she has supported the prosecution story and has stated that she was not only forcibly raped repeatedly, she was also locked in the room and was made to move from one place to another.

Considering the kind of allegation that has come in the FIR duly supported by the victim girl, this Court is not inclined to grant the petitioner any relief and the bail application is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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