

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13650 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- DHURAIYA District- Banka

Md. Jibrayle @ Md. Zebril, Son of Khurshid, Resident of Village- Gopichak,
P.S.- Basantray, District- Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-09-2022 Heard Mr. Ajay Mukherjee, learned counsel appearing
on behalf of the petitioner and Mr. Nitya Nand Tiwary, learned
A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Dhoraiya P.S. Case No. 183 of 2021 for the offence punishable
under Section 366(A) of the Indian Penal Code.

As per the allegation made in the F.I.R., petitioner had
kidnapped the minor daughter of the informant. The victim girl
had recorded her statement before the concerned Magistrate
under Section 164 Cr.P.C. in which she has made specific
statement that the petitioner had confined her in a room and had



locked her from outside. She was not allowed to contact anyone and when her parent (informant) had lodged an F.I.R. and after getting knowledge of the F.I.R., the petitioner had left her at Dhankund from where she came back after 15 days of her confinement in a closed room.

Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the allegation made in the F.I.R. is corroborated with the statement of the victim who is minor under Section 164 Cr.P.C. Hence, the petitioner doesn't deserve to be released on bail.

Considering the nature of allegation made against the petitioner which has been supported by the victim in her statement recorded under Section 164 Cr.P.C., this Court is not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

The trial court is directed to expedite the trial preferably within the stipulated period as per the statutory provision for conclusion of trial under Section 35 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

(Purnendu Singh, J)

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