

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26613 of 2021

Arising Out of PS. Case No.-361 Year-2018 Thana- SABAUR District- Bhagalpur

MD QUARBAN S/o Md. Badruddin @ Baddo Resident of Soma Pranpur,
P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-01-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 365 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that his 14 year old daughter who had gone to attend tuition 15 days ago did not return. In spite of search she was not to be found.

It is submitted by learned counsel for the petitioner that the FIR was registered after an unexplained delay of 15 days against unknown. The petitioner and the daughter of the informant were friends and she had gone with the petitioner out of her own free will. On her return, under the influence of her parents she had given a tutored statement under section 164



Cr.P.C. Charge sheet has been submitted in the case and investigation has concluded. The petitioner is in custody since 2.1.2020 and has no criminal antecedent. Referring to the order of the learned Court below it is submitted that at the first instance, the girl was not even ready to identify her father.

The application for bail is opposed by learned APP for the State who submits that the allegation of kidnapping of the minor victim has been supported by the victim in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the statement of the victim under section 164 Cr.P.C wherein she has made direct allegation against this petitioner and the age of the victim which has been assessed to be 16-18 years together with the minor victim having been found to be pregnant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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