

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26242 of 2021

Arising Out of PS. Case No.-500 Year-2020 Thana- HARSIDHI District- East Champaran

TANVIR ALAM Son of Mir Hassan Ansari Resident of Village - Chargahon,
P.S.- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 02-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code.

As per the prosecution case, the 15 year old daughter of the informant was kidnapped and it subsequently transpired that the petitioner along with one another had a hand in the kidnapping.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is an unexplained delay of five days in lodging of the FIR. The informant is not an eye witness to the occurrence. The informant and the petitioner are resident of two different villages. The daughter of the informant returned and has given a tutored



statement. Even perusal of the said statement would show that the story narrated by her is unbelievable. Her age has been estimated to be between 17-18 years. The petitioner is in custody since 13.12.2020 and investigation in the case has concluded. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that in her statement under section 164 Cr.P.C. the minor daughter of the informant has made direct allegation of rape against this petitioner.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the allegations made against the petitioner by the informant's daughter in her statement under section 164 Cr.P.C., 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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