

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17560 of 2022**

Arising Out of PS. Case No.-30 Year-2020 Thana- MAJHAULIA District- West Champaran

Md. Asadullah @ Asadullah Son Of Monab Miyan R/O Village- Parasa
Manje, P.S.- Majhaulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 11-10-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in registered for the offences punishable under Sections 366A, 504, 506/34 of the Indian Penal Code, Section 11 of POCSO Act and Section 3(1) (r) of the SC/ST Act.

As per the prosecution case, when the 15 years old daughter of informant went to attend call of nature, all the accused persons including this petitioner kidnapped her for the purpose of marriage. It is further alleged that when the informant went to the house of accused persons to know about his daughter, these accused persons threatened the informant by calling his caste name.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics. It is further submitted that there is delay of one month



in lodging of the FIR and there is no plausible explanation of delay. There is no eye witness of the occurrence and as per the date of birth certificate victim's age is 18 years. There is general and omnibus allegation against all the accused persons and no specific overt act has been alleged against the petitioner. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for bail submitting that there is specific allegation against the petitioner that he along with other accused persons kidnapped minor daughter of the informant and when he tried to inquire about the same, accused persons abused and threatened the informant even on phone also and the victim is still traceless.

Considering the specific allegation against the petitioner as also the fact that the victim is still traceless, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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