

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45005 of 2021

Arising Out of PS. Case No.-662 Year-2020 Thana- SUPAUL District- Supaul

MD. SHAIK ALI @ MD. SAIF ALAM Son of Md. Sarfuddin Resident of
Village - Parsa, Ward no.03, P.S.- and Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr. Nafisuzzoha, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 364, 366A and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner along with 4-5 other persons are said to have kidnapped the minor daughter of the informant.

It is submitted by learned senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement recorded under section 164 Cr.P.C. While the alleged occurrence is said to have taken place at 3 a.m. in the morning as per the narration in the F.I.R., in her statement under section



164 Cr.P.C., the daughter of the informant states that she was forcibly taken away at about 8 p.m. In the medical examination the age of the daughter of the informant was assessed to be between 17-19 years and no sign of sexual assault was found. There is an unexplained delay in lodging of the F.I.R. The petitioner is in custody since 15.1.2021 and has no criminal antecedent. Investigation in the case has concluded and he undertakes to cooperate in the trial.

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

Having heard learned counsel for the parties and taking into consideration the contents of the statement of the victim 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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