

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2368 of 2023**

Arising Out of PS. Case No.-166 Year-2022 Thana- HARLAKHI District- Madhubani

MD. AIZAZ SON OF MD. NAYEEM R/O VILLAGE- BARHI, P.S.- JAY  
NAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mrs. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      17-04-2023                      Heard learned counsel for the petitioner and the  
learned APP for the State.

2.              Petitioner seeks regular bail in connection  
with Harlakhi P.S. Case No.166 of 2022 dated 06.06.2022  
registered for the offences punishable under Sections 363 and  
366(A) of the Indian Penal Code.

3.              The main allegation against the petitioner is  
that he with the help of his family members kidnapped  
informant's minor daughter aged about 15 years with an  
intention to marry the victim and later on all the accused  
persons threatened the informant when he made an enquiry  
about her daughter from the accused persons.

4.              The main submissions advanced by the  
learned counsel for the petitioner are that the petitioner has fair



and clean antecedent and has been languishing in jail since 13.06.2022, as per the statement recorded by the victim before the Judicial Magistrate she was taken firstly to Punjab by train and thereafter to different places and in that course the victim had sufficient opportunity to make resistance against the alleged act of the petitioner but she remained silent which goes against the allegations made by her, in fact the whole occurrence relates to elopement of so-called victim with co-accused Md. Irshad who later on got married with each other and in this regard the marriage certificate was also issued by the concerned marriage Registrar and Qazi, Government of West Bengal.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the seriousness of the allegation made by the so-called victim before the Judicial Magistrate in her statement and also the fact that as per allegation this petitioner and co-accused persons firstly took the victim at different places and thereafter established sexual relationship with her and as per the medical board's opinion the victim was found pregnant and her age was about 16 years at the time of examination, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer



stands rejected.

(Shailendra Singh, J)

sangam/-

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