

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61776 of 2023

Arising Out of PS. Case No.-312 Year-2020 Thana- SABAUR District- Bhagalpur

Md. Sabir Son Of Md. Salauddin Resident Of Village - Fatehpur Yadav Tola,
Police Station - Industrial Area, District - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal
		Md. Najmul Hodda
		Ms. Diksha Kumari
For the Opposite Party/s :		Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Sabour P.S. Case No.312 of 2020 instituted for the offence
under Sections 366A and 34 of the Indian Penal Code.

As per the FIR, the allegation against the petitioner
is that he kidnapped the daughter of the informant aged about
17 years.

It is submitted by learned counsel for the petitioner
that petitioner is innocent and has been falsely implicated in
this present case merely on the basis of suspicion as well as
dirty village politics. It is further submitted that informant's



daughter and petitioner fallen into love affairs. She has given mismatch statements. In her statement recorded U/s 161 of Cr.P.C. she stated that she was taken away by the petitioner forcefully and committed rape with her whereas in her statement recorded u/s 164 of Cr.P.C. she stated that petitioner in connivance with his family members abducted her and kept in Kolkata. In fact, victim voluntarily left her parent's house and went to kolkata along with the petitioner and solemnized marriage. The victim was major at the date of occurrence as per school certificate. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, he is languishing in judicial custody since 30.01.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that her statement was recorded under Section 161 and 164 of the Cr.P.C, in which she has supported the prosecution case. She has stated that petitioner had solemnized court marriage forcefully and thereafter he committed rape with her.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined



to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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