

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64746 of 2022

Arising Out of PS. Case No.-34 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

Md. Rashid @ Md Rasid Son of Samil @ Md. Samil @ Samil Mastan @ Md.
Samiur R/V- Piprauliya, P.S- Jhanjharpur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 12-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Laheria Sarai P.S. Case No. 34 of 2020 dated 15.01.2020 registered for the offence punishable under Section 366 of the Indian Penal Code.

As per the prosecution, the informant's minor daughter was kidnapped by unknown person.

The main submissions advanced by petitioner's counsel are that in fact there was love affair in between the so-



called victim and the petitioner, though the victim made allegations against the petitioner in her statements recorded under Sections 161 and 164 of Cr.P.C. but the allegations levelled by her in the said statements are completely unbelievable as according to her, the petitioner took her to Punjab State by train and if the said story is believed even then the informant had sufficient opportunity to resist the petitioner's alleged act but she remained silent and as per her statement, she lived with this petitioner in several states but she remained mum and did not raise any objection to the alleged act of the petitioner, which also shows that she was a consenting party to the petitioner's alleged act and according to her educational certificate her date of birth is 10.03.2002. Further submission is that during investigation, the victim's father was examined who flatly denied the allegations made by the victim and the statements of some other witnesses including the owner of the coaching institute, where the victim studied, were also recorded and their statements are contradictory to the allegations levelled by the victim. Further submission is that the petitioner has been languishing in jail since 04.08.2022 and the investigation has been completed against the petitioner.

Learned APP appearing for the State has opposed the



bail prayer and submitted that there is serious allegation against the petitioner.

Having considered the seriousness of the accusation levelled against the petitioner by the victim herself in her statement recorded under Section 164 of Cr.P.C., in my opinion it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.

The petitioner may renew his bail prayer before the trial Court, which will decide his bail prayer without being prejudiced with this order, after examination of the victim in his trial and if in the next six months the victim is not produced and examined as a witness in his trial then he will also have the same liberty.

Accordingly, the instant matter is dismissed.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

