

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3318 of 2015

Arising Out of PS.Case No. -173 Year- 2011 Thana -AMAU District- PURNIA

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Md. Faiyyaz @ Sajjad @ Md. Raiyaz Son of Hasim Resident of Vill-
Sonamani, Sahariya, P.S- Rouda, Distt - Purnea (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 27-01-2015 Heard both sides.

The petitioner is apprehending his arrest in a case registered under Section 376 and other sections of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner along with other accused persons are alleged to have kidnapped the victim, but Md. Nasim is alleged to have taken the victim to Ludhiana and he is alleged to have committed rape with the victim. Md. Nasim was put on trial vide Sessions Trial No. 596 of 2012 / Trial No. 55 of 2012 and he was acquitted.

It appears that the case is of the year 2011. The petitioner was absconding and there is an allegation that the petitioner also played a role in kidnapping of the victim.

Having considered the facts aforesaid, I am not

inclined to enlarge the above named petitioner on anticipatory bail in Amour P.S. Case No. 173 of 2011, G.R. No. 2971 of 2011 and the same is rejected.

The petitioner, if so advised, may surrender in the court below and make a prayer for regular bail. The court below is directed to consider the prayer for regular bail of the petitioner, without being prejudiced by the present order, taking into account that the co-accused has already been acquitted.

(Prabhat Kumar Jha, J)

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