

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18367 of 2015

Arising Out of PS.Case No. -99 Year- 1999 Thana -AHIAPUR District- MUZAFFARPUR

Rakesh Kumar, son of Late Sukhnandan Sharma, resident of Mohalla-
Brahmpura, Railway Colony Gate, Town- Muzaffarpur, P.O.-M.I.T., P.S.-
Brahmpura, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 02-07-2015

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Ahiyapur P.S. Case No.99 of 1999/G.R. No.901 of 1999/Tr.
No.3108 of 2014 registered under Sections 364/364(A) of the
Indian Penal Code, pending in the court of Smt. Ranjula Bharti,
Judicial Magistrate, First Class, Muzaffarpur.

The present case was lodged on the basis of the complaint
petition, which was forwarded to the concerned police station
under Section 156(3) of the Code of Criminal Procedure for
investigation and submission of final form.

The accusation is of kidnapping of Dheeraj Kumar, the

minor son of the informant.

Learned counsel appearing on behalf of the petitioner submits from the complaint petition, which is the basis of the F.I.R., it would appear that due to land dispute in between the informant and the accused no.1, Lalbabu Singh, who is the brother of the informant, the petitioner has been falsely implicated in this case by the informant. In fact, Dheeraj Kumar, performed his marriage with Anamika Kumari but later on both started to reside separately and both performed remarriage. It is further submitted that on investigation, the police submitted the final form but the learned Chief Judicial Magistrate, Muzaffarpur, took the cognizance of the offence against the petitioner and two others under Section 365 of the Indian Penal Code on the basis of the statement of the victim, Dheeraj Kumar, as recorded under Section 164 of the Code of Criminal Procedure regarding his kidnapping and performing the marriage with Anamika Kumari forcibly, who is relative of the co-accused, Punam Kumari.

From the order dated 07.01.2015 passed in ABP No.1687 of 2014, whereby the learned Sessions Judge, Muzaffarpur, rejected the prayer for anticipatory bail of the petitioner, it appears that the victim in his statement under Section 164 of the Code of Criminal Procedure supported the prosecution case of his

kidnapping.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks and prayer for regular bail, which shall be considered by the trial court on its own merit without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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