

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39085 of 2014

Arising Out of PS.Case No. -68 Year- 2014 Thana -NANHPUR District- SITAMARHI

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1. Wahid Nadaf S/o Mualim Nadaf Both R/o village - Ganguly, P.S.
Nanpur, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Navin Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 03-04-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Nanpur P.S. Case No. 68 of 2014 registered for the offences
punishable under Sections 341, 323, 366, 504/34 of the Indian
Penal Code.

Allegedly, the daughter of the informant was
kidnapped by the petitioner and others and the victim in her
statement recorded under Section 164 Cr.P.C. has also stated the
name of the petitioner that he and others took away her when she
was alone in her house and further gave intoxicants in the meal
resulting she became unconscious.

Submission is of false implication and that there is

contradiction in the statement of the victim girl from the statement as made in the FIR. No injury and no sign of rape were found by the doctor and other accused persons have been allowed regular bail by this Court, and as such, the petitioner deserves sympathetic consideration to which the learned APP opposes.

Considering that the minor daughter of the informant has supported the allegation in her statement under Section 164 Cr.P.C. also regarding involvement of the petitioner in the crime, and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then his prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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