

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41784 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -NANHPUR District- SITAMARHI

Firoz Ansari Son of Abdul Gaffar resident of village - Kaudiya Raypur,
Post Office - Raypur, Police Station - Nanpur, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navendu Kumar

For the Opposite Party/s : Mr. Ahmad Ali(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 09-10-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 363,
366A and 120B of the Indian Penal Code.

The prosecution case is that the minor
daughter of the informant went missing. On search it was found
that she is in the house of one Sabir Rain. The informant reached
to the house of Sabir Rain and informed the police when the
police recovered the victim from the house of Sabir Rain. It is
alleged that Md. Shahid concealed the daughter of the informant
in the house of Sabir Rain.

In 164 Cr.P.C. the statement victim got her



age recorded as 14 years when the court also assessed as such where she has stated that on 28.03.2015 she was called by co-accused Shahid to brick kiln where he used to work and he proposed for marriage. He gave threatening to the victim if the victim will not marry with him. Thereafter, the victim went to the house of Sabir and stayed for three days on the direction of Shahid. She further stated that Shahid used to call her to brick kiln where she used to have physical relationship since last two years. It is alleged against the petitioner that petitioner was also working in the brick kiln and he used to instigate Shahid.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against Shahid and even assuming the statement of the victim recorded under Section 164 of the Cr.P.C. no offences under Sections 363, 366A and 120B IPC are made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that as per 164 Cr.P.C. statement of the victim at the instigation of the petitioner, Shahid used to ravish the victim.

The 164 Cr.P.C. statement of the victim suggests that the victim had relationship with Shahid since last

two years who was himself an employee of the brick kiln. Moreover, petitioner has no criminal antecedent, statement to that effect has been made in paragraph 3 of the petition.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Nanpur P.S. Case No. 94 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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