

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16916 of 2015

Arising Out of PS.Case No. -264 Year- 2013 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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1. Md. Azad Hussain Son of Samsad Ali Resident of village -
Lakhanchand, Police Station - Mokama, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Laheri P.S.Case No. 264 of 2013 for offence under section 365 of the Indian Penal Code, pending in the court of learned C.J.M., Nalanda at Biharsharif.

The prosecution story , in brief, is that the husband of the informant, Md. Shahabuddin used to sell fruits and on 29.09.2013 when he did not return home, the informant started searching him here and there but she could not get any clue of her husband. On 30.09.2013 she received a call on her mobile from mobile no. 8409091488 of one Md. Aslam. There was friendly relationship between him and her husband and recently there was monetary transactions between them. On mobile he told her that her husband Shahabuddin was with him and asked her to return due money or to execute sale deed of her land in his favour to get

back her husband.

It has been submitted on behalf of the petitioner that there is no evidence to suggest the implication of the petitioner. Further it has been submitted that the petitioner has been made accused due to dispute in respect of some outstanding money between the parties. The petitioner has falsely been implicated in this case.

On behalf of the State, it has been submitted that in course of investigation the victim was recovered and his statement u/s 164 Cr.P.C. was recorded before the Magistrate and the petitioner has been named by the victim and specific allegation has been made of assault by the petitioner upon the victim while he was in confinement.

Considering the facts aforesaid, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

However, if the petitioner surrenders in the court below within a period of six weeks in the court below and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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