

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42917 of 2015

Arising Out of PS.Case No. -86 Year- 2008 Thana -PARBATTa District- BHAGALPUR

1. Md. Rahim Son of Md. Jakruddin, Resident of Taraunni, P.S. -
Dhamdaha, District - Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kulanand Jha, Adv.

For the Opposite Party/s : Mr. Md.Ansarul Haque (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 08-12-2015 Heard both sides.

The petitioner apprehends his arrest in Parbatta P.S.
Case No. 86/2008, registered for the offences punishable under
Section 364 of the Indian Penal Code.

The informant filed complaint case on the basis of which
the present F.I.R. is lodged. The informant made allegation that
the petitioner Md. Rahim and Md. Hussain took his son to Delhi
and his son is traceless.

Mr. Alok Kumar Choudhary learned counsel for the
petitioner submits that the occurrence took place in 2008. A
complaint was also filed immediately thereafter, but even after
lapse of seven years the police has not been able to collect any
tangible material to show that the petitioner in anyway concealed

or caused disappearance of the victim from Delhi. The police did not make any investigation at Delhi.

Considering the facts that the boy is still traceless and there is allegation that the petitioner took him to Delhi, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order and shall dispose of the bail petition on the same day.

(Prabhat Kumar Jha, J.)

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