

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10192 of 2016

Arising Out of PS.Case No. -466 Year- 2015 Thana -MADHUBANI
TOWN District- MADHUBANI

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1. Md. Phool @ Md. Phool Hassan Son of Md. Alam, Resident
of Village Laxmi Sagar, P.S. - Madhubani Town, District -
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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**CORAM: HONOURABLE JUSTICE SMT. NILU
AGRAWAL
ORAL ORDER**

2 18-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Madhubani Town P. S. Case No. 466 of 2015, G.R. No.
2941/2015 registered for offence punishable under Sections 363,
366 (A)/34 of the I.P.C.

The prosecution case, as lodged on the basis of the
written report of Md. Azad and Md. Abdul Rahim is that his sister
has been kidnapped on 28.10.2015 at 4.30 A.M. and they have
doubt on his neighbour, Md. Phool and when they enquired the
accused persons threatened and abused the informant and his
family members. It has been alleged that petitioner Md.Phool had

kidnapped his minor sister on the pretext of love affair.

It has been submitted on behalf of the learned counsel for the petitioner that the petitioner is innocent and although the date of occurrence is 28.10.2015 but F.I.R. has been lodged on 29.10.2015 after some delay. He further submits that no such occurrence had taken place and no overt act has been alleged by the victim girl.

However, learned A.P.P. for the State submits that the victim girl in her statement recorded under Section 164 of the Cr. P. C. is that the petitioner had kidnapped her and brought her in his friend's house and kept there for four days and also had performed "Nikah" with her and age of the victim has been stated to be 14 years and recorded by the Magistrate has also as 14 years.

Since, the victim under Section 164 of the Cr. P. C. has named the petitioner, who kidnapped and performed Nikah with her, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the application stands rejected.

Let the petitioner surrender before the Court below and his prayer for regular bail will be considered by the learned Court below on its own merit, preferably on the same date.

(Nilu Agrawal, J)

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