

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38784 of 2015

Arising Out of PS.Case No. -59 Year- 2015 Thana -SAKRA District- MUZAFFARPUR

- =====
1. Md. Ashraf, S/o Md. Kadim
2. Md. Kaushar, S/o Md. Kadim Both are residents of Village- Rampur
Bakhari, P.S.- Sakara, Dist.- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma, Adv.

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3. 19-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners herein seek anticipatory bail in Sakra
P.S. No. 59/2015 registered under Section 366A/34 of the Indian
Penal Code lodged by the father of the victim.

It is alleged in the F.I.R. that minor daughter of the
informant while going to school was kidnapped by the accused
persons. On information received in this regard the F.I.R. was
lodged naming some of the persons as the accused who kidnapped
his daughter in conspiracy with the two petitioners herein.

It has been submitted that the son of the informant in
fact had committed similar occurrence by kidnapping the daughter
of the co-accused. The said occurrence was repeated by this man.

In order to save the son and to put pressure, the present case has been filed. The victim was recovered in Rajasthan on 05.04.2015 along with another co-accused namely Jhagru Paswan. The petitioners indisputably were not present there. The manner of occurrence as alleged in the F.I.R. and found in course of investigation appears doubtful.

Learned Additional Public Prosecutor while opposing the prayer for bail submits that the victim girl in her statement recorded under Article 164 Cr.P.C. has specifically named these two petitioners who had actively participated in her kidnapping. There is allegation of having committed rape on her by Md. Ashraf (petitioner no. 1).

Considering materials available on record and seriousness of the charge and the fact that the girl was minor, I am not persuaded to extend the privilege of anticipatory bail. Prayer is rejected.

If the petitioner surrenders and prays for bail the same shall be considered and disposed of, on its own merit in accordance with law without being prejudiced by the present order.

(Kishore Kumar Mandal, J.)

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