

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27984 of 2016

Arising Out of PS.Case No. -140 Year- 2016 Thana -BIHIYA District- BHOJPUR

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Anuj Kumar Pandey S/o Nirmal Pandey resident of Village - Dubauli, P.S. - Behea, District - Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-09-2016 Heard both sides.

The petitioner apprehends his arrest in Bihiya P.S. Case No. 140/2016, registered for the offences punishable under Section 366A and other sections of the Indian Penal Code.

The informant named the petitioner along with Golu Kumar Dubey and Munna Prasad @ Munna Paswan and alleged that all the accused persons kidnapped his minor sister.

Mr. Krishna Prasad Singh, learned senior counsel for the petitioner submits that the petitioner is of course, named in the F.I.R., but during the course of investigation Munna Paswan was apprehended and he confessed his guilt in para 23 of the case diary. Munna Paswan disclosed that he was having love affair with



the victim girl. He kept the victim at the house of his maternal aunt in pursuance thereof, the victim was recovered from the house of Parvati Devi the maternal aunt of Munna Paswan situated in the village- Ara Nawada. Thereafter, the victim made her statement under Section 164 Cr. P.C. and disclosed altogether a different story that the petitioner at the point of dagger kidnapped her along with Munna Paswan and Golu Kumar Dubey. The victim tried to exonerate her lover Munna Paswan, but the true fact is that victim fled away with Munna Paswan, as she was recovered from the house of maternal aunt of Munna Paswan. The doctor has assessed her age between 18-20 years.

Learned counsel for the informant as well as learned A.P.P. submits that the victim made her statement under Section 164 Cr. P.C. and disclosed that it was the petitioner who kidnapped her along with Munna Paswan and Golu Kumar Dubey. Prayer for anticipatory bail of Golu Kumar Dubey has already been rejected vide order dated 31.08.2016 passed in Cr. Misc. 29282/2016.

Considering the facts aforesaid and the fact that petitioner is also one of the accused who kidnapped the victim, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below learned court below shall consider his prayer for regular bail on its own merit.

(Prabhat Kumar Jha, J.)

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