

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30331 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -KHUSRUPUR District- PATNA

=====

Gautam Kumar, Son of Gopal Chandravanshi, Resident of Village-Rani Sarai, P.S. Bakhtiyarpur District Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate.

For the Opposite Party : Ms. Sangeeta Sharma, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-09-2016 Heard both sides.

The petitioner apprehends his arrest in Khusrupur P.S. Case No. 168 of 2015 registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

The mother of the victim named the petitioner along with other accused persons and alleged that they kidnapped her minor daughter.

Learned counsel for the petitioner submits that the informant is not an eye witness of the occurrence. The victim was examined under Section 164 Cr.P.C. in which she stated that Kumkum Devi enticed her to Khusrupur railway station from where Kumkum Devi and the petitioner forcibly kidnapped her. The petitioner also called Anand through telephone. It is further submitted that the victim has already married with Anand. Anand

Kumar has already been enlarged on regular bail vide order passed in Cr. Misc. No. 4912 of 2016 on 12.02.2016.

Taking into consideration the fact that the victim has made very specific allegation against the petitioner that the petitioner kidnapped her from Khusrupur railway station along with Anand and Kumkum Devi, I am not inclined to enlarge the petitioner above named on anticipatory bail in Khusrupur P.S. Case No. 168 of 2015, pending in the court of Mr. Ashutosh Kumar Rai, the Judicial Magistrate, 1st Class-cum-Additional Munsif Court, Patna City, Patna. 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, his prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that Anand Kumar the similarly situated co-accused has already been enlarged on regular bail and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--