IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51880 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -AMAS District- GAYA

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Md. Danish, Son of Mensoor Khan, resident of Village - Sihuli, P.S. - Amas, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate.
For the Opposite Party : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Amas P.S. Case No. 103 of 2016 for the offences instituted under Sections 366(A)/34 of the IPC.

The prosecution story, in brief, is that the informant's daughter, namely, Suman, was forcibly taken away by this petitioner, co-accused Md. Tufail and 8-9 unknown persons. The informant went for her search but she could not be traced out. It is further stated that the Guardian of this petitioner has also hand in the alleged occurrence.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of

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tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The victim has been examined under Section 164 Cr.P.C. She has not named the petitioner. The other co-accused has been granted regular bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 39510 of 2016.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R and the victim claims to have identified the miscreants if they are put before her.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Amas P.S. Case No. 103 of 2016, pending in the court of learned J.M. Ist Class, Sherghati at Gaya. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by the order of this Court taking into account that the other co-accused has been granted regular bail by another co-ordinate Bench of this Court.

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(Sudhir Singh, J)

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