

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47384 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -PUSA District- SAMASTIPUR

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Surendra Kumar Singh, son of Late Nathuni Singh, resident of village- Kon
Wajitpur, Post Office- Wajitpur, Police Station- Samastipur (Muffasil),
District Samastipur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Purushotam Sharma, Advocate

For the Opposite Party : Smt. Meena Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Pusa P.S. Case No. 78 of 2016, registered for the offences
punishable under Sections 364, 366(A)/34 of the Indian Penal
Code.

Allegedly, the petitioner and co-accused Jitendra
Kumar kidnapped the minor *natini* of the informant and during
investigation, the statement of the minor victim girl was also
recorded under Section 164 Cr.P.C., wherein she has supported the
allegation of kidnapping by the petitioner and Jirtendra Kumar.

Submission is of false implication and that the victim
girl went out of her own free will and consent and thereafter being
tutored she has given statement under Section 164 Cr.P.C., though



earlier before police she has stated otherwise and, as such, the petitioner deserves sympathetic consideration, to which the learned A.P.P. seriously opposes.

In the facts and circumstances as stated above, considering that in statement recorded under Section 164 Cr.P.C. the victim minor girl has supported the allegation of kidnapping against the petitioner also and, as such, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands rejected in connection with Pusa P.S. Case No. 78 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate, VI, Samastipur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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