

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.664 of 2016**

Arising Out of PS.Case No. -438 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

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Md. Niyaz Alam @ Niyaz, Son of Late Khuda Bakhsh, village - Mahesh  
Bathna, P.S. Kishanganj, District - Kishanganj.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. D.P.Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3 12-02-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 364 of the Indian Penal Code.

Taking into consideration the fact that the petitioner is specifically named in the FIR vide Annexure-1 as an accused and further taking into consideration the fact that the kidnapped son of the informant has not been recovered till date, this Court is not inclined to accede to the prayer made on his behalf for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail in connection with Kishanganj P.S. Case No. 438 of 2014 pending in the court of learned Chief Judicial Magistrate, Kishanganj is hereby rejected.

However, if the petitioner surrenders in the court below within a period of one month from today and applies for regular bail, then the same shall be considered and decided on its own merits without being prejudiced by the present order.

Arvind/-

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**(Birendra Prasad Verma, J)**