

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30564 of 2016

Arising Out of PS.Case No. -121 Year- 2014 Thana -ANDER District- SIWAN

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1. Dr. M.S. Siddiquee @ Md. Samiuzzama Siddiquee Son of Late Abdul Ahmed Siddiquee Resident of Village Mian Ke Bhatkan, P.S. Andar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshri Singh, Sr. Advocate
Mr. Ajay Kumar Pandey

For the State : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 29-09-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Andar P.S. Case No. 121 of 2014 registered for the offences punishable under Sections 307/302/120(B) of the Indian Penal Code.

Diary in the present case along with the counter case was asked for earlier, which has, since been received.

Learned Senior Counsel for the petitioner submits that all through the investigation, no materials surfaced as against the present petitioner and the final form was submitted against other accused persons, but not against this petitioner. However, subsequently, the learned Magistrate, for certain reasons, has now

taken cognizance of the offence as against the present petitioner and, therefore, the petitioner is now apprehending his arrest.

Learned Senior Counsel further submits that the present case was one of love affairs between the deceased and Naqeeb Ara alias Roshni who had been conducting the studies together with victim boy at Kota, Rajasthan, and since they wanted to marry, the father of the said Naqeeb Ara alias Roshni withdrew her from studies at Kota and brought her back home. Thereafter, the deceased along with his friends came to the village of the said girl Naqeeb Ara alias Roshni with a view of kidnapping her and taking her away from her home. It is under such circumstances, when the deceased along with his friends were found moving surreptitiously in the village, the villagers caught hold of them and he was badly beaten up. He further submits that the deceased himself in his statement made prior to his death has not named the present petitioner as one of the persons who had attacked him and has rather submitted that the villagers had attacked him. It is under such circumstances that the petitioner is now seeking pre-arrest bail from this Court. He next submits that no chargesheet was submitted against the present petitioner.

Learned Additional Public Prosecutor appearing on behalf of the State has perused both the case diaries. It has been

submitted by learned Additional Public Prosecutor for the State that several of the independent witnesses of the case lodged by the petitioner's side i.e., Andar P.S. Case No. 115/2014, have taken the name of the petitioner to be one of the participants who had bashed up the victim boy and had the police not arrived, he would have been killed at the spot. Such statements made by the independent witnesses of the village has been found at paragraph Nos. 39, 40 and 41 of the case dairy of the case filed by the petitioner's side and, thereafter, paragraph No. 139 of the case diary of the present case. In view of such statement made by the independent witnesses, who have consistently narrated that the father of the girl Naqeeb Ara alias Roshni, her Uncle and her brother had participated in mercilessly beating up the victim boy resulting finally in severe injuries at the time when the police reached the place of occurrence.

Considering the aforementioned facts and circumstances and that there are sufficient materials available in the case diaries produced before this Court, I am not inclined to grant anticipatory bail to this petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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