

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45909 of 2015

Arising Out of PS.Case No. -351 Year- 2014 Thana -BARACHATTI District- GAYA

Sanjay Kumar son of Sri Prayag Yadav resident of village Jhanjhi P.S.
Barachatti District Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in
connection with Barachatti P.S. Case No.351 of 2014 for the
offences instituted under Sections 363 and 365/34 of the Indian
Penal Code.

The prosecution story, in brief, is that on 30.7.2014
in the morning at about 4 A.M., the daughter of the informant
namely Archana Kumar aged about 15 years had gone to attend
the call on nature and thereafter she could not returned back and
after one hours the informant tried to search out his daughter but
could traced out. In course of search he learnt that co-accused
Jitendra Kumar and Ajay Kumar enticed away his daughter with

bad intention.

It is submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. Though the victim in her 164 statement has made allegation of establishing physical relationship with the petitioner, but subsequently, from perusal of Annexure-3, it would appear that a joint petition on behalf of the victim and her father has been made in the court below where the allegations levelled against the petitioner has been denied.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R., but the victim girl has named this petitioner under 164 Cr.P.C. statement.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. Same is rejected. If the petitioner surrenders in the court below, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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