

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33152 of 2017

Arising Out of PS.Case No. -195 Year- 2016 Thana -BISFI District- MADHUBANI

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Md. Khair @ Abbul Khair @ Khabir Ahmad, son of Md. Israil, R/o
Village- Bhairba, P.S.- Bisti, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-09-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Bisfi
P.S. Case No. 195 of 2016 registered for the offences punishable
under Sections 363 and 366A/34 of the Indian Penal Code.

Allegation against the petitioner is of kidnapping
daughter of informant.

Submission of learned counsel for the petitioner is that
though she has supported the prosecution case in her statement
under Section 164 Cr.P.C. but later on petitioner has married her
and in support of his contention he has annexed Nikhanama to this
petition (Annexure-4) and petitioner is in custody since 9.1.2017.

Heard learned APP also, who has opposed the prayer for
bail.



Having heard both sides and in view of facts and circumstances, I am not inclined to grant bail to the petitioner at this stage.

However, learned court below is directed to commit the case to the court of sessions and after commitment once the victim girl has been examined in this case, petitioner may renew his prayer for bail before the court below, who will consider the evidence of the victim girl and pass an appropriate order, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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