

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55416 of 2017

Arising Out of PS. Case No.-413 Year-2016 Thana- Turkauliya District- East Champaran

Jabbar Ansari S/o Late Assmahamad Ansari, resident of Village- Fulwar, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-11-2017 Heard Sri Patanjali Rishi, learned counsel for the
petitioner and Sri Ajay Kumar Jha, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since 08-09-2017
in Turkauliya (Banjariya) P.S. Case No. 413 of 2016 registered
for offence under Sections 366A, 323, 504 and 34 of the Indian
Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner submits that though
after recovery, statement of victim under Section 164 of the
Cr.P.C. was recorded and she has corroborated the allegation
made in the fardbeyan, subsequently, compromise in between
the parties has arrived and a petition has also been filed in the
court below. He further submits that in view of the fact that



compromise had arrived in between the parties, three accused persons have been granted anticipatory bail by the court below.

I have perused the F.I.R. as well as statement recorded under Section 164 of the Cr.P.C. In the F.I.R., there is specific accusation regarding commission of offence, as alleged in the F.I.R. and moreover, the allegation made in the F.I.R. was substantiated by the victim, who had disclosed her age as 16 years before the learned Magistrate at the time of her statement recorded under Section 164 of the Cr.P.C. that the petitioner and others were involved in kidnapping her and she had also been given sedative drugs. In such cases, there is no meaning of filing a compromise petition, rather if such petition is filed, inference can be drawn that the accused persons are influential enough to threaten or persuade the informant side for coming to compromise. There is no reason for grant of bail.

The petition stands dismissed.

(Rakesh Kumar, J.)

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