

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12230 of 2017

Arising Out of PS.Case No. -99 Year- 2015 Thana -SINGHIYA District- SAMASTIPUR

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Md. Nisar, Son of Md. Ful Hassan @ Phool Hassan, Resident of Village -
Nimi, P.S. - Singhiya, District - Samastipur (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate.

For the State : None

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-03-2017

Heard learned counsel for the petitioner.

Learned counsel for the State is not present.

The petitioner apprehends his arrest in Singhiya P.S. Case
No. 99 of 2015 instituted for the offence under Sections 366(A), 341,
323, 506 and 504/34 of the Indian Penal Code.

There is allegation against the petitioner that they
kidnapped the minor daughter of the informant.

From the impugned order, it appears that girl after
recovery has given statement under Section 164 Cr. P.C. wherein she
has levelled specific allegation against the petitioner and one Md.
Mujeeb.

It has been submitted on behalf of the petitioner that the
victim girl herself filed a petition in the court below that her statement
under Section 164 Cr. P.C. was recorded under pressure by the police



and her father. She has stated that the petitioner has not committed any offence. It has further been submitted by the learned counsel for the petitioner that the victim is ready to give such statement in the lower court also.

In such circumstances, this anticipatory bail application is disposed off with a direction to the petitioner to surrender before the court below i.e. the Sub Divisional Judicial Magistrate, Rosera at Samastipur, in connection with Singhiya P.S. Case No. 99 of 2015 along with the victim girl within a period of six weeks from today and in the event the victim girl confirms before the lower court that she has filed a compromise petition dated 26.5.2016 and her statement under Section 164 Cr. P.C. was recorded under pressure and no occurrence has taken place, the court below will release the petitioner on bail to its own satisfaction in terms of provisions of Section 438 (2) Cr. P.C.

It is made clear that in the event the petitioner does not surrender in the court below along with the victim girl or the victim girl after personal appearance does not support the factum of compromise entered into between the parties on 26.5.2016, the court below will be at liberty to pass appropriate order in accordance with law.

S.Ali/-

(Sanjay Priya, J)

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