

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16464 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -POTHIYA District- KISANGANJ

- =====
1. Najir @ Nazir, Son of Chand Mohammad.
 2. Imtiyaz @ Md. Imtiyaz @ Md. Imtiyaz Alam, Son of Chand Mohammad.
- Both are Resident of Village- Jharbadi, Police Station- Pothiya in the district of Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

6 20-07-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Pothiya P.S. Case No.14 of 2017 registered under Sections 366(A), 379, 504 and 506/34 of the Indian Penal Code, pending in the court of the Additional Chief Judicial Magistrate-II, Kishanganj.

The accusation is that in absence of the informant, eight persons, named in the F.I.R., including the petitioners reached at his house, where his wife Ishrat Jahan and minor daughter Farat Naaz were present, and kidnapped his minor daughter Farat Naaz.



When the wife of the informant made protest, they threatened to kill her on the point of knife. When the wife of the informant raised hulla, Ainuddin gave threatening to kill her on the point of knife.

Learned counsel appearing on behalf of the petitioners submits that the petitioners and others are the co-villagers of the informant and due to love affair with Md. Mustafir, the daughter of the informant, left her parental house but with an ulterior motive, the petitioners alongwith others have also been implicated in this case. Further submission is that the while the victim, the daughter of the informant, in her statement, as recorded under Section 164 of the Code of Criminal Procedure, has stated about her kidnapping by the petitioners and one Md. Mustafir and keeping her for one day to their house but she did not make any complaint about ill-behaviour at the hands of the petitioners. The informant has also filed a compromise petition in the trial court.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular



bail, which shall be considered by the trial court in accordance
with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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