

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15289 of 2017

Arising Out of PS.Case No. -258 Year- 2016 Thana -RIGA District- SITAMARHI

- =====
1. Md. Nasir Ansari, S/o Kasim Ansari
 2. Jalauddin Ansari @ Jalaluddin Ansari, S/o Late Reyajul Ansari, both resident of village- Bhoraha, P.S. Riga, District Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 21-06-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Riga P.S. Case No. 258 of 2016, registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code.

Allegedly, Nasrin Khatoon the daughter of the informant went away thereafter she sat on a tempo and petitioner were going with motorcycle behind her tempo. During investigation the victim appeared and her statement has been recorded under Section 164 of Cr.P.C. wherein she has made allegation against the petitioners that they kidnapped her and the petitioner Jalauddin Ansari developed physical relationship with her forcibly and the petitioner Md. Nasir Ansari also assisted him in that work.



Submission is of false implication and that there is material contradiction in the statement of the informant and the victim girl, the victim has earlier lodged false case in Riga P.S. Case No. 96 of 2016 against the petitioner Jalauddin Ansari and others wherein the police after competing investigation submitted final form against the petitioner Jalauddin Ansari and chargesheet against the others. The informant has lodged the F.I.R. as an eye-witness and, as such, no reliance can be placed on the statement of the victim recorded under Section 164 Cr.P.C.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the victim in her statement has stated that the petitioner Jalauddin Ansari developed physical relationship forcibly with her and in the night used to make her naked and the petitioner Md. Nasir Ansari assisted him.

In the facts and circumstances as stated above, considering the statement of the victim girl, I am not inclined to grant privilege of pre-arrest to him and accordingly their such prayer stands rejected in connection with Riga P.S. Case No. 258 of 2016, pending in the Court of learned A.C.J.M.,-III, Sitamarhi.

(Jitendra Mohan Sharma, J.)

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