

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16202 of 2017

Arising Out of PS.Case No. -211 Year- 2016 Thana -BAHADURGANJ District- KISANGANJ

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Md. Mustafa @ Mustafa Son of Dakwa Pulanu Resident of Village -
Gwaltoli, Police Station - Garbandanga, District - Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 04-07-2017 Heard both sides.

The petitioner apprehends his arrest in Bahadurganj
P.S. Case No. 211/2016, registered for the offences punishable
under Sections 363, 365, 366 and 34 of the Indian Penal Code.

The informant alleged that his sister was lastly seen
with Geeta Devi. The informant and his villager Mustaq Alam and
Tahir Hussain went to the house of Geeta Devi and saw three
persons there. On query, they disclosed their names and disclosed
that they are resident of Uttar Pradesh and Geeta Devi called them
for solemnizing marriage. It is further disclosed that Geeta Devi
kidnapped a girl and kept in the house of her sister Bimla Devi and
brother-in-law (Bahnoi). The police raided the house and arrested
Bimla Devi and recovered sister of the informant. The



informant suspected that in kidnapping of his sister Asfaq @ Baghalu and Md. Mustafa (petitioner) also conspired.

Learned counsel for the petitioner submits that there is no material against the petitioner to show that the petitioner in any way conspired to kidnap the sister of the informant. The F.I.R. was lodged after recovery of the victim from the house of Bimla Devi and her husband. They did not disclose the name of the petitioner.

Learned A.P.P. submits that of course there is merely suspicion against the petitioner, but the attachment order has already been issued and petitioner has been declared absconder.

Considering the facts aforesaid and the fact that order under Sections 82 and 83 had already been issued, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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