

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47130 of 2017**

Arising Out of PS.Case No. -9 Year- 2017 Thana -MEERGANJ District- PURNIA

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Ajay Kumar Sharma son of Suresh Sharma, Resident of Village- Kajra,  
P.S.- Meerganj, District- Purnea.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Dr. Bidhu Ranjan, ADvocate

For the Opposite Party : Mr. Sri Chaubey Jawahar (APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      13-12-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner apprehends his arrest in connection  
with Meerganj P.S. Case No. 09 of 2017, registered for the  
offences punishable under Sections 363, 366A of the Indian Penal  
Code.

Allegedly, the petitioner kidnapped minor daughter  
of the informant as he was seen with the victim girl. During  
investigation in the statement of victim girl recorded under Section  
164 Cr.P.C. the name of the petitioner also transpires as one of the  
kidnapper.

Submission is of false implication and that the  
informant is not an eye-witness of the occurrence. From plain  
reading of F.I.R. it reveals that the victim went out of her own will



in the statement recorded under Section 164 Cr.P.C. Chandan is also named and Chandan has already been allowed pre-arrest bail by the learned Court below itself vide A.B.P. No. 373 of 2017 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes the prayer of pre-arrest bail by submitting that the petitioner is named in the F.I.R. also whereas Chandan is not named in the F.I.R.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Meerganj P.S. Case No. 09 of 2017, pending in the Court of learned A.C.J.M.-1<sup>st</sup>, Purnia.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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