

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14372 of 2017

Arising Out of PS.Case No. -5 Year- 2015 Thana -HATHUA District- GOPALGANJ

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Saddam Ansari, son of Tahir Ansari @ Toyid Ansari resident of village -
Baridhanesh, Post - Mirjapur, P.S. - Hathuwa, Dist - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party : Mr. Sri Ram Naresh Ray (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Hathuwa P.S. Case No. 05 of 2015, registered for the offence
punishable under Section 366(A)/34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused Firoz
Ansari kidnapped the minor daughter of the informant. During
investigation, victim girl was recovered and she in her statement
recorded under Section 164 Cr.P.C. has stated the name of the
petitioner as kidnapper.

Submission is of false implication and that in medical
report no evidence of recent sexual assault has been found, the
victim has been found aged about 17-18 years, she is major, she



went out her own sweet will, but in pressure she has given the name of the petitioner in her statement under Section 164 Cr.P.C. However, now the petitioner and informant both have filed compromise petition and the matter has been compromised and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioner has kidnapped the victim girl.

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 Hathuwa P.S. Case No. 05 of 2015, pending in the Court of learned Chief Judicial Magistrate, Gopalganj.

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 after considering that the matter has been compromised.

(Jitendra Mohan Sharma, J.)

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