

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8096 of 2018

Arising Out of PS. Case No.-207 Year-2017 Thana- JOKIHAT District- Araria

Samshad @ Samshad Alam S/o Yunus, R/o Village- Thengarpur, P.S.- Jokihat,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. MD. FAHIMUDDIN

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

ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Jokihat P. S. Case No. 207 of 2017 registered for the offences
punishable under Sections 341, 363, 366A/34 of the Indian
Penal Code.

Allegedly, the daughter of the informant aged about 17
years and his son aged about 7 years were kidnapped by the
petitioners and co-accused. During investigation the statement
of victim girl has been recorded wherein she has supported the
allegation of kidnapping by the petitioner and co-accused and
further that they opened her cloths and thereafter, what they did
she does not know, both used to assault her and also used to
assault her brother.



Submission is of false implication and that in the FIR it is alleged that from Jokihat both were kidnapped but in the statement recorded under Section 164 Cr.P.C. it is stated that when she was at her door she was kidnapped, so no reliance can be placed upon such statement, further the matter has been compromised and the informant has filed compromise petition also vide annexure-4 and as such the petitioner deserves sympathetic consideration.

Learned APP seriously opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering that the victim has supported the allegation of kidnapping in her statement under Section 164 Cr.P.C., this Court is not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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