

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48355 of 2018

Arising Out of PS. Case No.-182 Year-2006 Thana- KATEYA District- Gopalganj

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Niyazuddin Ansari, Son of Ishrayel Mian alias Ishrayel Ansari, resident of Village- Ojhawaliya, Police Station- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh,
APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 31-10-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kateya P.S. Case No. 182 of 2006 dated 13.12.2006, instituted for the offences under Section 366(A) of the Indian Penal Code.

The father of the victim girl has alleged that his daughter, Rani Kumari @ Sweety has been kidnapped by the petitioner. It appears that during the course of investigation, the victim girl was recovered, who gave her statement under Section 164 Cr.P.C., stating that she had gone to Bombay of her own volition along with the petitioner and had married him after converting to



Islam religion. It has further come to light that the daughter of the informant has been leading her life as the wife of the petitioner for the last 10 years and has also given birth to two children. Since the petitioner was of the impression that after the statement of the victim girl under Section 164 Cr.P.C. and the police not taking any action thereafter, he was not required to come to the Court for a final order. As such, he could not appear before the Court.

It further appears from the order impugned that the father of the petitioner was put to trial and has been acquitted.

Because of the non-appearance of the petitioner before the court below, he was declared an absconder.

For the reason that the petitioner has been declared as absconder, I am not inclined to grant anticipatory bail to him. His prayer for anticipatory bail is accordingly rejected.

Be that as it may, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account the aforesaid facts as also that the victim girl has been staying as wife of the petitioner for the last one decade and any order to the disadvantage of the petitioner would not only disrupt the



family life but would serve no other purpose and shall pass an order in accordance with law, preferably on the same day.

With the aforesaid observation, the petition stands disposed off.

(Ashutosh Kumar, J)

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