

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32225 of 2018

Arising Out of PS. Case No.-80 Year-2014 Thana- MUSAHRI District- Muzaffarpur

Md. Javed S/o Iliyas, R/o Mohalla- B.M.P. 6, Mohan Sahni Ka Tola, P.S.-
Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

For the Opposite Party/s : Mr. Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 01-08-2018 Heard learned counsels for the parties.

The petitioner has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Sections 363 and 366A/34 of the IPC.

The accusation against the petitioner and co-accused Rehana Khatoon and Md. Anwar is of kidnapping sixteen-years-old daughter of the informant.

It is submitted by learned counsel for the petitioner that other co-accused persons preferred anticipatory bail application vide Cr. Misc. No. 4694 of 2015 and out of four, co-accused Rehana Khatoon was granted anticipatory bail vide order dated 2.7.2015 passed by a Bench of this Court on the ground that she has neither been named by the victim nor she is having any criminal antecedent but the prayer for anticipatory bail of co-accused Md. Afjal, Md. Anwar and Md.



Phool Babu alias Phool Babu was rejected since they have been named by the victim in the Statement under Section 164 of Cr.P.C. and it is case of kidnapping of a minor.

It is further submitted that above mentioned three co-accused persons renewed their prayer for anticipatory bail vide Cr. Misc. No. 36843 of 2017, wherein, keeping in view the fact that the victim during trial has not named the said three accused persons, have been granted anticipatory bail by a Bench of this Court vide order dated 6.10.2017, as contained in Annexure 6. From perusal of the order, it does not appear that this fact was brought to the notice of the co-ordinate bench of this Court that prayer for anticipatory bail of the aforesaid three accused was earlier rejected by a bench of this Court.

In the circumstances, this Court is not inclined to revise the earlier order as there is no fresh material on record to do so. However, in view of the fact that similarly situated co-accused persons have been granted anticipatory bail, it is a case for consideration of prayer of the petitioner for regular bail by the learned court below in case the petitioner surrenders before the court of learned 9th Additional Sessions Judge, Muzaffarpur within a period of six weeks in connection



with Mushahari P.S. Case No. 80 of 2014.

anil/-

(Dinesh Kumar Singh, J)

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