

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69608 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- GHANSHYAMPUR District- Darbhanga

Akbar Rain, Son of Md. Nabijan Rain, Resident of Village-Baur,Rasiyari,P.S.
Ghanshyampur,Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-12-2018 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 365 and 366 of the Indian Penal Code.

The prosecution case as per the written report of Laxmi Chopal submitted to SHO, Ghanshyampur P.S. is to the effect that on 08.04.2018 at 1.00 A.M., the petitioner and six co-accused persons, namely, Nasim Rain, Akbar Rain, Ambul Khatoon, Mustak Rain, Faruque Rain, and Atik Rain kidnapped the daughter of the informant. Though the co-accused Nasim Rain accepted in the panchayat that the victim girl is in his custody.

It is submitted by learned counsel for the petitioner that for



the occurrence of 08.04.2018, the written report was submitted on police station on 17.04.2018 and the FIR was lodged on the same day. On conclusion of the investigation, the petitioner was not sent up for trial which gets reflected from the final report, as contained in Annexure-3. The statement of the victim was recorded under Section 164 Cr.P.C, on 19.04.2018 wherein she got recorded her age as twenty-two years whereas the Court also assessed her age as such. She further stated that she is a friend to the sister of co-accused Nasim Rain and he offered her some beetel and after consuming the same she got little drowsy and thereafter he took her to Supaul and kept her in a house. It is further submitted that the victim did not name the petitioner in her statement recorded under Section 164 of the Cr.P.C. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that he is named in the FIR.

Considering the delayed lodging of the FIR, delayed submission of the written report and the fact that after conclusion of investigation the petitioner was not sent up for trial, and no direct involvement of the petitioner in the occurrence as in the victim's statement under Section 164 of the



Cr.P.C. coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM. Biraul, Darbhanga in connection with Ghanshayampur P.S. Case No. 47 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/
Rahul/-

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