

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43568 of 2018

Arising Out of PS.Case No. -20 Year- 2018 Thana -KALYANPUR District- SAMASTIPUR

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1. Naushad Alam @ Md. Dulare, Son of Md. Movin, Resident of Village-
Bhagirathpur, Police Station- Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.

For the Opposite Party/s : Mr. Md. Arif, APP

For the Informant : Mr. Dilip Kumar Roy, Adv.

Mr. Santosh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-08-2018 The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 20 of 2018, registered for offences punishable under Sections 363, 365 and 302/34 of the Indian Penal Code.

Allegation against the petitioner and others is of kidnapping the minor daughter of the informant and later on the dead body of the daughter of the informant was found.

It has been submitted on behalf of the petitioner that he is not named in the F.I.R and his name has surfaced in this case only on the basis of confession of co-accused and except that there is nothing against him and similarly, situated co-accused has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 27.07.2018 passed in Cr. Misc. No. 44708 of 2018.

Heard learned as well as learned counsel for the informant. It has been submitted by learned counsel for the



informant that petitioner is also instrumental in kidnapping and murder of the girl and further he has concealed the fact with regard to his criminal antecedent in the petition and he is an accused in five other cases, which is evident from para 37 of the supplementary case diary.

With regard to criminal antecedent, it has been submitted by learned counsel for the petitioner, that though he is accused in five other cases but they are quite old and in all those cases, he has already been acquitted.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below after verifying the submission that he is acquitted in all the five cases and presently no case is pending against him except the present one, he shall pass an appropriate order, if possible on same day, without being prejudiced by the order of this Court.

With the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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