

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4354 of 2019

Arising Out of PS. Case No.-268 Year-2018 Thana- BHABHUA District- Bhabhua (Kaimur)

Rashid Khan Jainuddin Khan R/O Village- Ujari Sikathi,P.S- Bhabua,Dist
Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-01-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bhabua P.S. Case No. 268/2018 dated 14.04.2018 instituted for the offences under Section 366(A) and 34 of the Indian Penal Code.

Even though the victim girl has not taken the name of the petitioner in her 164 Statement and the informant, who is the father of the victim girl, does not wish to prosecute the petitioner any further, I am not inclined to grant anticipatory bail to the petitioner, for the simple reason that the victim girl was a minor and



was taken away from the lawful custody of her father to a distant place, from where she returned miraculously.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders and prays for bail, the court below shall take into account that the relationship of the victim girl was with another person and merely because the petitioner happens to be a friend of Irfan, the main accused, he has been named in the F.I.R. and that precisely, for the same reason, he was not named by the informant who now does not wish to prosecute him, and shall pass orders in accordance with law without being prejudiced that the present petition has not been entertained.

(Ashutosh Kumar, J)

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