

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23870 of 2019

Arising Out of PS. Case No.-3 Year-2016 Thana- TISIAUTA District- Vaishali

Md. Manauwar @ Manohar, son of Late Amin Mian, resident of village Lemuwari Simaswara, Police Station Patepur, District Vaishali.

... .. Petitioner.

Versus

1. The State of Bihar.

2. Shiv Balak Roy, son of Late Monhe Lal Roy, resident of village Sastaul, P.S. Tisiauta, District Vaishali.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State but none turned up on behalf of opposite party no.2 despite service of notice.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 365 & 366-A/34 of the Indian Penal Code.

Petitioner is said to have kidnapped the daughter of the informant along with four named accused persons on the point of pistol on Bolero.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. As per the medical examination report victim happens to be



major. There is no specific allegation against the petitioner rather allegation is general and omnibus in nature. As per the Statement of the victim recorded under Section 164 Cr.P.C. the petitioner himself brought the victim from Rajasthan to Hajipur on her apprehension of selling her out by his relatives at Rajasthan. Petitioner has no criminal antecedent. Similarly situated co-accused, namely, Qurban Ali @ Qurban @ Md. Qurban Ali has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 19.05.2016 passed in Cr. Misc. No.22054 of 2016.

Learned APP for the State opposing the bail petition submitted that the petitioner has kidnapped the daughter of the informant along with four other accused persons. The victim in her statement recorded under Section 164 Cr.P.C. has specifically stated that the petitioner has kidnapped her tying her mouth and making her senseless and took her to Rajasthan and kept at the house of his relative at Bhimnagar but as his relative was intended to sell her out which was learnt by her, petitioner took her to Hajipur and prepared document of Court marriage. There is no specific allegation of kidnapping against the Qurban Ali rather alleged him to be conspirator of the kidnapping her. Hence, case of petitioner stands on different footing. So the



petitioner does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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