

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15371 of 2020

Arising Out of PS. Case No.-22 Year-2018 Thana- BIHRA District- Saharsa

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MOHAMMAD SOEB @ MD. SOEB @ MD. SOED S/o Md. Sarfudin
Resident of Village-Islampur Ward No.11, P.S.-Nauhatta, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-09-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Bihra P.S. Case No.22 of 2018 registered under Sections 363, 366(A) and 34 of the Indian Penal Code and under Section 8 of the POCSO Act.

The informant alleged that on 06.02.2018 at about 4:00 in the morning when his daughter had gone to attend the call of nature, Md. Shamim came along with some unknown persons and forcibly took his daughter away and kidnapped on a motorcycle.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. but name of the petitioner surfaced in the case in the statement of the victim recorded under Section 164 of the Cr.P.C. It is further submitted that the victim herself denied to have identified Md. Shamim but it



appears that the victim made specific allegation in her statement under Section 164 of the Cr.P.C. that when she had gone to attend the call of nature, Md. Shamim and Amrud kidnapped her on a motorcycle and they committed rape with her. Md. Soeb (petitioner) took her to Delhi after intoxicating her and the petitioner many times committed rape with her.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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