

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15573 of 2020

Arising Out of PS. Case No.-12 Year-2018 Thana- MANSI District- Khagaria

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KUMOD KHALIFA, (Male), aged about 34 years, Son of Budhu Khalifa and Resident of Village - Jay Prabha Nagar, Ward No. 14, Borne, P.O.- Kaithi, P.S.- Chautham, Dist.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Amitabh Sohan, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 366(A)/34 of the I.P.C.

The prosecution story, in brief, is that on 12.01.2018 at 4.30 P.M., the daughter of the informant was talking with someone on Mobile Phone upon which she prohibited her daughter not to talk with anyone except her husband. She became angry and left her house. The informant talked with co-



accused Dhiraj Kumar who gave the Mobile Phone to her daughter and scolded him. She has shown suspicion that co-accused Dhiraj Kumar has got her daughter eloped. The son of the informant went to the house of co-accused Dhiraj Kumar to put pressure upon the family members and at 10.30 P.M., the daughter of the informant talked on Mobile phone with the informant and she was weeping.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has come in the present case in course of investigation. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation. The victim has been recovered and her statement was recorded under Section 164 Cr. P.C. The victim has made specific allegation that the petitioner had sold her for doing flesh trade at Siliguri.

Considering the statement of the victim recorded



under Section 164 Cr. P.C., and the allegation made therein, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Mansi P.S. Case No. 12/18 (G.R. No. 127/2018), pending in the court of learned Chief Judicial Magistrate, Khagaria.

If the petitioner surrenders and prays for regular bail in the learned court below the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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