

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.23690 of 2020**

Arising Out of PS. Case No.-304 Year-2019 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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Asfaque Bhat Son of Makbool Bhat R/O - Hatbarol, Palsa, Distt.- Katihar  
... .. Petitioner

Versus

1. The State of Bihar
2. Rohina Khatoon Wife of Amiruddin Bhat @ Dukkhan Bhat R/O - Jokar Palsa, P.S.- Ajamnagar, Distt.- Katihar.  
... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

5      17-02-2021                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest bail in connection with Complaint Case No. 304 of 2019 registered for the offence under Section 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the complaint petition, the complainant is a beggar, on 12.01.2019 when she was not present in her house, the petitioner along with co-accused had taken away her daughter by pushing cloth in her mouth on the motorcycle.

Learned counsel submits that there are general and omnibus kind of allegations alleged against the petitioner,



however, petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, wherein witnesses have supported the prosecution case saying that petitioner had pushed the cloth in the mouth of the daughter of the complainant and had forcibly taken her away on motorcycle, there being specific allegation of kidnapping against the petitioner, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today in the learned court below his prayer for regular bail shall be considered by the learned court below on it's own merit without being prejudiced by the order of this Court.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

