

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77352 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- DIGHALBANK District- Kishanganj

TANBIR @ KALUA @ TANSIR ALAM @ TANSIR Son of Late Riyajul
Resident of Village- Baluadangi, Kudheli, P.S.- Terhagachh, District-
Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Dighalbank P.S. Case No. 43 of
2019 instituted for the offences under Sections 366/34 of
the Indian Penal Code.

The accusation against the petitioner and others is
of abducting/kidnapping the informant's daughter. The victim
girl has come back and has given her statement under
Section 164 Cr.P.C. in which she has disclosed that she was
taken to different destinations and was subjected to sexual
misdemeanor by the petitioner and another.



The learned counsel for the petitioner has submitted that the victim had gone along with the petitioner of her own volition and that it should be taken into account that she is a major and only because she has come back home, her statement under Section 164 Cr.P.C. ought not to be believed in its entirety without any caveat.

However, regard being had to the nature of accusation against the petitioner and the statement of the victim girl, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, that petition shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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