

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35023 of 2022

Arising Out of PS. Case No.-197 Year-2019 Thana- RAGHUNATHPUR District- Siwan

SARFARAJ ALI KHAN SON OF MAQBUL KHAN Resident of village-
Salempur, P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 363, 366, 34 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, this petitioner along with other accused persons kidnapped the daughter of informant.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR and his name transpired in this case during the course of investigation. It is further submitted that informant claimed himself to be an eye witness of the occurrence but he has not named this petitioner in the FIR. During the course of investigation victim has not stated anything against the petitioner however in her statement u/s 164 of the Cr. P. C. she has stated that petitioner was also present in



the Scorpio. There is no allegation of any sexual misconduct against this petitioner. Similarly situated accused Vishu Singh and Asha Devi have already been granted pre arrest bail by a co-ordinate Bench of this court vide order contained in Annexure-2. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Siwan in connection with Raghunathpur PS case No. 197/ 2019, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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