

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46261 of 2022

Arising Out of PS. Case No.-501 Year-2020 Thana- PURNEA SADAR District- Purnia

1. Md. Nihal Son of Shah Alam @ Salim @ Md. Shah Alam R/O - Chauhan Tola, Khushkibag, Ward No.- 38, P.S.- Purnia Sadar, Distt.- Purnia
2. Md. Ikbal Son of Shah Alam @ Salim @ Md. Shah Alam R/O - Chauhan Tola, Khushkibag, Ward No.- 38, P.S.- Purnia Sadar, Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 The petitioner no. 1 has been arrested and he has already withdrawn the petition with respect to petitioner no. 1 vide order dated 16.09.2022.

Learned counsel for the petitioner no. 2 is permitted to remove the defects, as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

Petitioner no. 2 is apprehending his arrest in a case registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code.

The prosecution case, in short, is that on 25.12.2020, accused persons are alleged to have kidnapped



the daughter of the informant.

Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has clean antecedents and he has been falsely implicated in the present case. He further submits that co-accused namely Rukhsar has been granted the privilege of anticipatory bail by the learned Court below itself.

Learned APP for the State, on the other hand, on the basis of the material available on record and submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner no. 2 was involved in the said crime.

In view of the aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 2 in connection with Purnia Sadar P.S. Case No. 501 of 2020 pending in the Court of learned 6th A.D.J. cum Special Judge, (POCSO Act), Purnia. Prayer for anticipatory bail with respect to petitioner no. 2 is refused.

(Rajesh Kumar Verma, J)

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