

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59362 of 2021

Arising Out of PS. Case No.-186 Year-2021 Thana- NAUTAN District- West Champaran

Rustam Ansari @ Rustam Saifi S/O Hira Mistri @ Heera Saifi R/O Village-
Shivrajpur, P.S-Nautan, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-05-2022 Heard the parties.

The petitioner apprehends his arrest in connection with Nautan P.S. Case No.186 of 2021 registered for the offences under Section 366A of the Indian Penal Code; Section 8 of the POCSO Act; and Sections 3(1)(r) and 2(v-a) of the Scheduled Castes & Schedule Tribes (Prevention of Atrocities) Act.

It has been contended by learned counsel for the petitioner that the victim girl has not named the petitioner in the statement recorded under Section 164 of the Code of Criminal Procedure. The statement of the victim recorded under Section 164 of the Cr.P.C. is not available with the petitioner as the same is lying in a sealed cover and as such, he may be granted anticipatory bail.



Considering the the submissions of the parties, the court below is directed to examine the statement of the victim girl recorded under Section 164 of the Cr.P.C.

This application is permitted to be withdrawn with liberty to the petitioner to move for anticipatory bail.

If the court below finds that the petitioner has not been named in the statements of the victim under Sections 161 and 164 of the Cr.P.C. then the court below will consider the desirability of granting anticipatory bail to the petitioner. If the petitioner has been named in either of the statements then he does not deserve anticipatory bail.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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