

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10986 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- SIKTI District- Araria

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Md. Shahnawaz Alam @ Md. Shahbaz Alam Son Of Md. Jainuliya @
Mohammad Jainul Uddin R/O Vill.- Dhopri Ward No. 03, P.S.- Palasi, Distt.,-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 363 and 366A of the Indian Penal Code pending in the learned court below.

As per the prosecution case, petitioner being in collusion and connivance with co-accused Md. Raja have kidnapped informant's minor daughter giving inducement to solemnize marriage and subsequently the informant brought her daughter back to home from Katihar where she was left when in the given facts and circumstances the informant approached the petitioner to solemnize marriage with informant's daughter, the



petitioner has refused and hence this case lodged by the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the occurrence took place on 19.03.2022 but FIR lodged on 02.06.2022. He submits that there is delay of more than two month in filing of the present FIR and there is no any explanation of it which creates serious doubt about the prosecution case. He further submits that nobody has seen the petitioner taking away the victim girl and there is no eyewitness of the alleged occurrence. He submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve anticipatory bail.

Considering the nature of the offence and statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail in connection with Sikty P.S. Case No. 129/2022. Accordingly, his prayer for anticipatory bail



is hereby rejected.

However, if petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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