

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16426 of 2022

Arising Out of PS. Case No.-229 Year-2020 Thana- JANTA BAZAR District- Saran

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NASIM ANSARI Son Of Alhund Ansari @ Alhamdu Ansari Resident Of
Village- Kateya, P.S.- Ekma, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 26-04-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with Janta
Bazar P.S. Case No. 229 of 2020, dated 30.12.2020 registered for
the offences punishable under Sections 363, 366(A)/34 of the
Indian Penal Code.

3. As per the prosecution, informant alleged that her
minor daughter aged about 17 years was kidnapped by this
petitioner with malice intention.

4. The main submissions advanced by petitioner's counsel
are that the so-called victim has been recovered and from the facts
revealed by the victim in her statement recorded under Section 164
of Cr.P.C., it is clearly evident that she had consented to go with
this petitioner and live with him during the alleged period as she



had sufficient opportunity to resist the petitioner's alleged acts at several public places but she remained mum and did not make any resistance and this fact shows that she was consented to live with the petitioner and in fact there was a love affair in between petitioner and the so-called victim and moreover, the petitioner has been languishing in jail since 09.07.2021 and his trial has started and the FIR of the present matter was lodged after inordinate delay and the same has not been explained.

5. Learned APP appearing for the State has opposed the prayer for bail.

6. Considering the seriousness of the accusation appearing from the statement of victim recorded by her before the Judicial Magistrate, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

7. The petitioner may renew his prayer for bail after the examination of the victim in his trial as a prosecution witness. If the victim is not produced and examined as a prosecution witness in the petitioner's trial in the next four months, then the petitioner may also have the same liberty.

(Shailendra Singh, J.)

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