

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15498 of 2022**

Arising Out of PS. Case No.-409 Year-2018 Thana- DHAKA District- East Champaran

ABDUL SALAM Son of Late Noor Mohammad, Resident of Village - Parsa,  
P.S. - Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Asif Kalim, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

5      09-01-2023                      The learned counsel for the petitioner is directed to  
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as  
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with  
Dhaka P.S. Case No. 409 of 2018 registered for offence punishable  
under sections 363, 366A of the Indian Penal Code.

The informant is mother of the alleged victim. As per  
allegation, the petitioner used to talk her daughter on mobile  
phone, to which she prohibited him. When her daughter  
disappeared, she conducted a search. She contacted the petitioner,  
but the petitioner scolded her. She expressed her firm belief



that the petitioner had, for some evil intention, kidnapped her minor daughter.

The learned counsel for the petitioner has submitted that the daughter of the informant went with the petitioner with her own sweet will. She herself fled away and she was caught without ticket and the T.T.E. handed over the victim to her family members. He has submitted further that still the statement under section 164 of the Code of Criminal Procedure of the victim has not been recorded. He has also submitted that the statement of the victim recorded under section 161 of the Code of Criminal Procedure shows that she went out of her house herself.

On the other hand, the learned Additional Public Prosecutor has opposed the prayer for bail and submitted that in paragraph nos. 24 and 32 of the case diary, the statement of the victim was recorded in which she had stated that due to torture of the petitioner, she had left her house.

On perusal of paragraph nos. 24 and 32 of the case diary it transpires that the petitioner was talking to the victim girl on mobile phone and she has stated herself that the reason for her fleeing away from her house was torture inflicted by the petitioner. The investigation is still going on, as such, in my



view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of expeditiously without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

Mahesh/-

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