

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45256 of 2023

Arising Out of PS. Case No.-206 Year-2019 Thana- KURSAKANTA District- Araria

Md. Meraj @ Meraj, Son of Md. Taiyyab, Resident of Village- Dubba, P.S. -
Jokihat, District - Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party	:	Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking pre-arrest bail in connection with Kursakanta P.S. Case No. 206 of 2019 registered for the offence punishable under Sections 363, 366A, 34 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 07.08.2019 at around 05:00 P.M. one Md. Masud has kidnapped the daughter of the informant with the help of one Md. Meraj (petitioner) on a motorcycle. The daughter of the informant was wearing golden chain and silver payal.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

5. Learned APP for the State has opposed the prayer

for anticipatory bail of the petitioner. It is submitted that the victim girl in her statement under Section 164 Cr.P.C. has stated that two boys had kidnapped her on motorcycle and the name of this petitioner has been disclosed by one Md. Maksud @ Masud who is co-accused.

6. Having regard to the statement of the victim girl in her Section 164 Cr.P.C. statement saying that two boys had come on the motorcycle and had forcibly taken her away and later on when the police arrested one Md. Maksud @ Masud, he disclosed the name of the another boy who had fled away as that of the petitioner, this Court would not be inclined to grant privilege of anticipatory bail to the petitioner.

7. Prayer is refused.

8. In case, the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

9. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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