

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59377 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- KURSAILA District- Katihar

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SHAHID ANSARI S/O BILAL ANSARI RESIDENT OF DEVIPUR, PS.
KURSELA DIST. KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kursela P.S. Case No. 114 of 2023 registered on 04.06.2023
lodged under Sections 365, 366 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner alleging that he has abducted the
daughter of the informant on 03.06.2023 and subsequently,
thrown her daughter in the state of unconsciousness at the door
of the informant and upon chased, he fled away.

4. It has been alleged that the informant bought her
daughter and admitted her in hospital from where she has been
referred to Katihar Medical College, Katihar.

5. Counsel further submits that petitioner is innocent



and has committed no offence. He further submits that she has been admitted by the informant himself that her daughter is aged about 18 years, meaning thereby, she is major and the present petitioner is also major. Counsel submits that vide order dated 12.09.2023, case diary and statement under section 164 of the Cr.P.C. has been called for. Counsel put emphasis on the different paragraph of the case diary in which it is indicated that there was love affair and intimate relation between the informant's daughter (victim) and the present petitioner. Counsel submits that the story of elopement of the petitioner with the victim is not the result of kidnapping rather it is the result of love affair. It has also come in case diary that under a conspiracy, the case has been filed by the informant upon the petitioner. It has also come in supervision report (Paragraph 101 of the case diary) that informant's daughter was studying in the college and therefore, any statement made in the F.I.R., under Section 161 and Section 164 are not acceptable. He further submits that petitioner is in custody since 06.06.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that the statement of the F.I.R., has been supported by victim in her statement under Section 161 and



section 164 of Cr.P.C.

7. Counsel for the informant has vehemently opposes the prayer for bail and submits that victim upon recovery has stated before the police under Section 164 in which she has categorically stated the events which took place with her. Counsel further submits that by the order passed by this Court, statement under section 164 Cr.P.C. is also taken on record in which the modus-operandi on the petitioner with the commission of the offence is expressly narrated.

8. Upon specific query made by this Court whether charge has been framed till date or not, counsel for the petitioner is not aware of this fact.

9. In the present facts and circumstances particularly the statement made by the victim under Section 161 and Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

10. Accordingly, the bail application of the petitioner is rejected. However, liberty is granted to the petitioner to renew his prayer for bail four months after framing of charge.

(Dr. Anshuman, J)

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