

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65437 of 2024

Arising Out of PS. Case No.-13 Year-2019 Thana- PUPRI District- Sitamarhi

Md. Ekhlak @ Eklakh S/O Md. Hanan Resident of Village- Belmohan Tola
Pupri, P.S. - Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-03-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363, 366A
and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits
petitioner has antecedent of two cases, it is next submitted that
altogether three named accused persons were implicated in the
instant case by the informant, it is further submitted that it is a
case of kidnapping, it is also submitted that police after
investigation submitted final form exonerating Kamare Alam,
Shoukat and Hannan, it is further submitted that by the time
police had submitted final form in favour of aforesaid three
accused by that time the victim was recovered and her statement



was recorded under Section 164 Cr.P.C, wherein she had taken the name of the aforesaid three accused persons including the petitioner, but then the petitioner was not named in the FIR. It is next submitted that since the aforesaid three accused persons were named in the FIR, as such the police after investigation submitted final form, but since the name of the petitioner transpired based on the statement of the victim recorded under Section 164 Cr.P.C, as such the police was investigating the case against the petitioner, but the learned Magistrate took cognizance of the offence under the aforesaid sections against the petitioner in absence of charge-sheet or final form submitted against him or in his favour.

4. Learned APP, Shri. Chandra Bhushan Prasad, submits that a counter-affidavit on behalf of Superintendent of police, Sitamarhi, has been filed. The learned APP fairly submits that petitioner was not named in the FIR and his name transpired in the statement of the victim recorded under Section 164 Cr.P.C, it is next submitted that based on the statement of the victim, further investigation in the case against the petitioner was being carried out by the Investigating Officer and the same till date is continuing, on which the learned counsel appearing on behalf of the petitioner submits that petitioner was not named



in the FIR and the investigation against the petitioner has not been concluded, but then cognizance has been taken based on the statement of the victim recorded under Section 164 Cr.P.C., as such police will have no option but to submit a charge-sheet in a mechanical manner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pupri P.S. Case No. 13 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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