IN THE HIGH COURT OF JHARKHAND AT RANCHI
A. B. A. No. 4452 of 2013

Shismohhamed Shaikh @ Sishu Shaikh ..... Petitioner

Versus

The State of Jharkhand ..... Opposite Party

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Vishal Kumar, Advocate
For the State : A.P.P

03/Dated: 28th February, 2014

Heard learned counsel for the petitioner and the learned counsel for the State.

The petitioner is apprehending his arrest in connection with the case registered under Sections 366 (A) and 34 of the Indian Penal Code.

The learned counsel for the petitioner has submitted that the petitioner is a driver and he was nowhere involved in abduction or kidnapping of the informant's daughter. It has further been submitted that independent witnesses in para 37 of the case diary have specifically stated that the petitioner's vehicle was hired by co-accused Aabdul Shaikh; that the senior authority has supervised the case and found that the victim lady has made contradictory statement and in the medical report the allegation of forcible sexual intercourse has not been found and no injury has been found on her person.

Learned counsel appearing on behalf of the state has opposed the prayer for bail and submitted that the girl has recorded her statement under Section 164 of the Cr.P.C wherein, she has given details of the place of occurrence and named this petitioner as one of the person, who had abducted and kidnapped her on the TATA Sumo vehicle; that the girl is a minor.

Considering the statement of the victim girl recorded under section 164 Cr.P.C, at this stage, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, his prayer for anticipatory bail is hereby rejected and he is directed to surrender in the Court below, within two weeks from the date of this order, in connection with Pakur (Malpahari) P.S. Case No.345/2013 corresponding to G.R. No.924/2013 and the Court below shall pass necessary order on merit, without being prejudiced by this order.

(Amitav K. Gupta, J.)

Chandan - Alok/-