

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31735 of 2016

Arising Out of PS.Case No. -39 Year- 2009 Thana -SHEOHAR District- SHEOHAR

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Muntun Baitha Son of Gagar Baitha, resident of Village- Chakram Dat, P.s.
& District:- Vaishali. At present residing at B.M.P.5, Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-09-2016

Heard learned counsel for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 3, 4, 5 of the Prevention of Immoral Traffic Act, 1956.

The prosecution case is that the petitioner being a Constable in Bihar Police had illicit relationship with the daughter of Surendra Singh, the neighbour of the informant. During on of such visits by the petitioner to the house of Surendra Singh the informant made protest. On 20.03.2009 at 9.30 P.M. the petitioner came in a intoxicated condition and started abusing the informant, which was protested by the villagers, thereafter the petitioner assaulted the informant, his son and others.

It is submitted by the learned counsel for the

petitioner that petitioner at the relevant time was Constable. The informant had some land dispute with Surendra Singh hence, maliciously the prosecution has been levelled. Even assuming the accusation no offence under Sections 3, 4, 5 of the Prevention of Immoral Traffic Act is made out against the petitioner. It is further submitted that First Information Report was registered on 21.03.2009 and on conclusion of investigation Final Report was submitted on 31.12.2011, this Court is not inclined to interfere.

But, keeping in view of the fact that investigation is concluded, it is a case for consideration of prayer for bail on surrender within a period of six weeks before the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 39 of 2009.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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