

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19058 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -AMDABAD District- KATI HAR

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1. Sk. Aashiki @ Sk Ashiki son of Sheikh SALim resident of Village- Belgachhi, P.S. Amdabad, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2017 Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Sections 366,376,341 and 342 of the Indian Penal Code.

The accusation is of abducting the informant and establishing forceful physical relationship.

It is submitted by learned counsel for the petitioner that for the occurrence of 29.12.2014, the FIR was registered on 13.5.2015 and the victim of her own went in the company of the petitioner and another whereas at earlier point of time, the victim had admitted that she of her own married with Sk. Mobarak alias Sk. Mubarak Hussain. Subsequently, Sk.



Mobarak alias Sk. Mubarak Hussain filed Matrimonial Suit No. 149 of 2015 for restitution of conjugal life before the learned Principal Judge, Family Court, Katihar and considering the aforesaid facts, Sk. Mobarak alias Sk. Mubarak Hussain has been granted custody bail by a co-ordinate bench of this Court vide Cr. Misc. No. 8338 of 2016 though Sk. Mobarak alias Sk. Mubarak Hussain's earlier anticipatory bail application was rejected by this Court along with the petitioner vide Cr. Misc. No. 33726 of 2015. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Keeping in view of the fact that the earlier anticipatory bail application of the petitioner was disposed of vide order dated 17.8.2015 passed in Cr. Misc. No. 33726 of 2015 and the prayer has been renewed after more than a year, this court is not inclined to grant anticipatory bail to the petitioner in connection with Amdabad P.S. Case No. 55 of 2015 pending in the court of learned J.M. Ist Class, Katihar but since the main accused Sk. Mobarak alias Sk. Mubarak Hussain has been granted regular bail, this court finds no reason for the learned court below not to consider the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks from today and prays for regular bail before the learned court in



the aforementioned case.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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