

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3082 of 2019

Arising Out of PS. Case No.-194 Year-2016 Thana- KOCHADHAMAN District- Kishanganj

Tanvir @ Md. Shamsheer Alam @ Ansari Tanvir Mustak, son of Mustaque
Alam @ Mushtaque Ansari, Resident of Village- Dhanusna, P.S.-
Kochadhaman in the District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363, 366(A), 120(B) and 34 of the Indian Penal Code and Sections and Sections 6, 8, 12 and 18 of the POCSO Act.

The prosecution case is of kidnapping of 12 years old daughter of the informant, namely Roshni Parween on the pretext of marriage and subsequently, she was sold in the State of Haryana by all the accused persons, after realizing Rs.70,000/-.



It is submitted by learned counsel for the petitioner that six accused persons have been put on trial and after facing trial in Special Case No.05 of 2017, arising out of Kochadhaman P.S. Case No.194 of 2016, they have been acquitted vide judgment dated 01.06.2018, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Kishanganj. It is further submitted that the prosecution case has not been supported by any of the witness during trial, as a result, they have been declared hostile. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR and there is specific accusation against him in the FIR.

Considering the fact that the process under Section 83 of the Cr. P.C. has already been issued against the petitioner and other co-accused persons, and the trial has already been concluded, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, the learned court below will consider the



prayer for regular bail of the petitioner, if the petitioner surrenders with a period of six weeks, in connection with **Kochadhaman P.S. Case No.194 of 2016**, pending in the Court of learned **Additional Sessions Judge-I, Kishanganj**, keeping in view the fact that other co-accused persons were acquitted after facing trial on the ground of benefit of doubt.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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