

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14269 of 2019

Arising Out of PS. Case No.-179 Year-1997 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BASIR MIYAN @ MD. BASIR @ BASIR, Son of Jahur Miyan, Resident of
Mohalla- Speaker Chowk (East of Maszid), P.S- Kazi Mohammadpur, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mazharul Hassan

For the Opposite Party/s : Mr.Anant Kumar I

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with
Sadar P.S. Case No. 179 of 1997 registered for the offences
punishable under Sections 363, 366 and 379 of the Indian Penal
Code.

The allegation against the petitioner is that he had taken
away the wife of the informant and the two children. It is alleged
that intention of the petitioner was to marry the wife of the
informant and to sell the son and daughter of the informant. He
also threatened the eldest son of the informant of dire
consequences.

Learned counsel for the petitioner submits that it is a
case of false prosecution as it cannot be believed that the wife and



two children of the informant may be taken away without their consent.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner by pointing out that in course of investigation the victim lady has appeared and made her statement under Section 164 Cr.P.C. The wife of the informant has, in her 164 Cr.P.C. statement, alleged that this petitioner had taken her to Nepal forcefully and was pressurizing her to marry him. He had also attempted to rape her.

Considering the facts and circumstances of the case and the statement of the victim lady under Section 164 Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner. His prayer is refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered on its own merit without being prejudiced by the order of this Court and the same shall not be rejected only because this Court has refused to grant anticipatory bail to the petitioner.

(Rajeev Ranjan Prasad, J)

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