

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21317 of 2019

Arising Out of PS. Case No.-211 Year-2015 Thana- BASANTPUR District- Siwan

Md. Samshad Miyan @ Samshad Hussain @ Samshad Miyan Pawariya, Son of Mokhtar Miyan Pawariya, Resident of Village- Maghari, P.S.- Bhagwanpur Haat, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maya Kumari @ Kaneez Fatima, D/o Hawaldaar Yadav, Resident of Khodipakad, P.S.- Basantpur, District- Siwan, at Present Wife of Md. Samshad Miyan @ Samshad Hussain, resident of Village- Maghari, P.S.- Bhagwanpur Haat, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-05-2019 This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No.211 of 2015 disclosing offences under Sections 375(V), 307, 366, 378 and 328 of the Indian Penal Code and Sections 3, 5, 7, 9, 11 of Protection of Children from Sexual Offences Act, 4, 5, Immoral Traffic Prevention Act.

Prosecution story is that daughter of the informant aged about 14 years was mentally sick and she was kidnapped by the petitioner for prostitution.

Submission of the learned counsel for the petitioner is that the whole allegation is false and concocted and she is major and she is married with the petitioner and live with him.



Learned counsel Sh.Thakur Brajesh Singh, A.O.R.
No. 03318 appears on behalf of the opposite party no.2 has
submitted that she is residing with the petitioner.

Heard learned A.P.P. also.

Having heard both sides, from the perusal of the
record it appears that the case of the year 2014 and after a lapse
of four years, the petitioner has filed the application for grant of
anticipatory bail. In that view of the matter, I am not inclined to
grant privilege of anticipatory bail to the petitioner. However, if
petitioner files an application for regular bail, the same shall be
considered on the materials available on record and if possible
to verify the fact that as to whether he had married with the
daughter of the informant, the learned court below shall
consider the same and pass appropriate order without being
prejudiced by this order and if possible to be disposed of on the
same day.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

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