

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34770 of 2019**

Arising Out of PS. Case No.-52 Year-2015 Thana- MAHILA P.S. District- Kishanganj

Shamshad Alam, Son of Mohiuddin @ Mahiuddin, Resident of Kairi Birpur,
P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 14-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 376, 341, 342, 323, 506 and 509 of the Indian Penal Code.

It is alleged that the informant was sexually exploited by the petitioner for three years on promise of marriage.

Earlier the petitioner preferred Cr. Misc. No. 56030 of 2015 with a prayer for anticipatory bail which was disposed of vide order dated 16.12.2015 and learned Court below was directed to consider the prayer for regular bail of the petitioner.

It is submitted by learned counsel for the petitioner that the final form was submitted and petitioner was not sent up



for trial when the final form was accepted by learned S.D.J.M., Kishanganj vide order dated 25.01.2017 since informant failed to appear. Thereafter, the informant preferred Criminal Revision No. 01 of 2018 and in pursuance to the order passed in Criminal Revision the learned S.D.J.M., Kishanganj took cognizance of the offence.

Considering the nature of accusation, the anticipatory bail application of the petitioner was declined at earlier occasion, hence, this Court is not inclined to revise the earlier order. Hence, the prayer for anticipatory bail of the petitioner in connection with Kishanganj Mahila P.S. Case No. 52 of 2015, pending in the Court of learned Sub-divisional Judicial Magistrate, Kishanganj is, hereby, rejected since the FIR was registered in 2015.

However, let learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, if the petitioner surrenders within a period of six weeks from today.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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