

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65881 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- BASANTPUR District- Siwan

Md. Ayub@Ayub Miya Son of Late Abdul Kadir @ Kadir, Resident of
Village- Khawaspur, P.S.- Basantpur, Lakri Nabiganj, O.P., District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 09-04-2019 This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No. 142 of 2018, disclosing offences under Sections 366(A), 34, 376, 211, 506, 120(B) of the Indian Penal Code and Sections 6 & 8 of the POCSO Act.

Allegation as per F.I.R. against the petitioner is of kidnapping the daughter of the informant. Petitioner is not named in the F.I.R., but later on his name transpired. It further appears that the petitioner is accused in 42 other cases, though only 32 have mentioned in the main petition, later on supplementary affidavit has been filed.

Submission of learned counsel for the petitioner is that he has not been named in the F.I.R. and also not in the statement of girl recorded under Section 164 Cr.P.C. and the



statement under Section 164 Cr.P.C. clearly shows that the matter relates to love affair and later on name of the petitioner has been taken by the father of the victim girl due to village enmity as petitioner happens to be the Up-Pramukh.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for anticipatory bail of the petitioner stating that the petitioner is also accused in 42 other cases and due to fear, the informant and victim girl have not named the petitioner earlier and later on, he has been named by them.

Having heard both sides, in view of the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner, rather he should surrender and make prayer for regular bail, which will be considered on its own merit, without being prejudice by order of this Court.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Amjad/-

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