

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6868 of 2020

Arising Out of PS. Case No.-105 Year-2015 Thana- PALIGANJ District- Patna

MD. RAZA S/o Late Md. Munazir Hussain, R/o Circle cum Block Colony,
Paliganj, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar through its Director General Of Police, Police Head
Quarter, Sardar Patel Bhawan, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Ganguli, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-06-2020 The matter has been listed today for consideration

through video conferencing in view of the nationwide lockdown

on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Paliganj P.S. Case No.105 of 2015 registered for the
offence punishable under Sections 341, 342, 354, 379, 323 of
the Indian Penal Code and Section 8 of the POCSO Act, 2012,



which is pending in the court of the learned C.J.M., Patna.

It is alleged by the informant that she went out of her house to attend the call of nature near the hospital. On way, she heard the cries of her daughter who was walking behind. The petitioner is alleged to be holding her daughter with bad intention and taking her away. When the informant resisted, the petitioner is alleged to have engaged in a scuffle with the informant and snatched her earring before fleeing away.

Petitioner's counsel submits that it is a case of false implication. His implication is due to village politics. The victim in her statement under Section 164 Cr.P.C. has not stated about identification of the accused.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that from the order of rejection by the court below dated 05.12.2019, it is apparent that in the course of investigation, witnesses have supported the prosecution version and complicity of the accused in the alleged occurrence. The case is of the year 2015, however, the petitioner has approached the Court for anticipatory bail more than four and a half years later.

Considering the rival submissions and the nature of allegations, this Court is not inclined to allow the petitioner the



privilege of anticipatory bail. It is, accordingly, rejected.

If the petitioner surrenders in the court below and prays for regular bail, the same may be considered on the same day.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

