

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17510 of 2020**

Arising Out of PS. Case No.-52 Year-2019 Thana- BASANTPUR District- Siwan

RAJA AHMAD @ PALPAL Son of Idu Mian @ Id amuhamad Miya Resident
of Village-Nandpur, Khawaspur, P.S-Basantpur, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 16-10-2020 Heard learned counsel for the petitioner and Mr. Murlidhar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Basantpur P.S. Case No. 52/2019 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and 8 of POCSO Act, pending in the court of learned 1st Additional Sessions Judge cum Special Judge & POCSO, Siwan.

Learned counsel for the petitioner submits that although in the first information report altogether 7 persons have been named and there is an allegation that all of them had lifted the minor daughter of the informant and had taken her away and concealed her, the fact is that this petitioner is close door neighbour and on account of some enmity he has been framed in this case.

On the other hand, learned A.P.P. for the State submits that this petitioner has actively participated in lifting of the victim girl and in fact the victim girl has on her return made



specific allegation against this petitioner and she has disclosed that she was taken to Mumbai and then how she was taken to Orissa and then from there she came back after their parents reached.

Having regard to the facts and circumstances of the case the materials available in the case diary suggesting that the petitioner has actively participated in the alleged occurrence of lifting of victim girl who is minor, I am not inclined to grant him privilege of anticipatory bail.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this Court.

The observation of this court to surrender in the court below within four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

