

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.206 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- AMAUR District- Purnia

MD QAIYUM SON OF DAUD R/O VILLAGE- BARA EIDGAH PURAB
TOLA, P.S.- AMOUR, DISTRICT- PURNEA. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Upendra Kumar
Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

Heard the learned counsel for the petitioner and the
learned counsel for the informant as well as the learned
Additional Public Prosecutor for the State, Mr. Shailendra
Kumar.

The petitioner apprehends his arrest in connection with
Amour P.S. Case No. 236 of 2021 registered for offence
punishable under sections 354B, 376, 511 of the Indian Penal
Code, sections 3/4 of the Dowry Prohibition Act and sections 4
and 8 of the POCSO Act.

By submitting the order sheets dated 22.03.2022 and
17.05.2022, the learned Additional Public Prosecutor has
submitted that the process under sections 82 and 83 of the Code



of Criminal Procedure (hereinafter referred to as 'the Code') has been issued against the present petitioner, to which the learned counsel for the petitioner has submitted that it was issued after filing of the anticipatory bail petition. The learned Additional Public Prosecutor has submitted further that after filing of the anticipatory bail petition, non-bailable warrant has been issued against the petitioner on 21.12.2021.

Since the process under sections 82 and 83 of the Code has been issued in this case against the petitioner and in view of a recent decision in the case of *Prem Shankar Prasad vs. State of Bihar and Another* (2021 SCC online SC 955), the petitioner is not entitled for anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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