

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10741 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- HARSIDHI District- East Champaran

Shamid Ansari @ Samid Ansari @ Samir Alam S/O Manir Miya @ Manir Ansari Resident Of Village- Manikpur, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Harshidi P.S.
Case No. 253 of 2022 registered for the offences punishable
under Sections 366 and 366(A) of the Indian Penal Code and
Section 8 and 12 of the POCSO Act, pending in the Court of
learned 6th Additional Sessions Judge-cum- Special Judge,
POCSO Act, Motihari, East Champaran.

As per the prosecution case, the petitioner along
with other co-accused person have taken away daughter of the
informant with an intention to marry her.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.



He submits that due to old dispute this present case has been lodged against the petitioner and his family members. The petitioner has got no criminal antecedent s mentioned in para-e 3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that the victim in her statement under Section 164 of the Cr.P.C., stated that the petitioner has taken her to Delhi. Hence, he does not deserve privilege of bail.

Considering the facts and circumstances of case, the statement of victim under Section 164 of the Cr.P.C and the fact that the victim is minor, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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