

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75143 of 2024

Arising Out of PS. Case No.-47 Year-2019 Thana- KANGLI District- West Champaran

Samsad Mian @ Shamshad Hussain @ Shamshad Ansari S/o Mahmadalam
Ansari, R/o Village- Bhediharwa, P.S- Kangli, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sahil Khan S/o Tajmahammad Khan, R/o Village- Bhediharwa, P.S-
Kangali, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 04-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kangali P.S. Case No.47 of 2019 instituted under Sections 363/366A of the Indian Penal Code but cognizance has been taken under Sections 363/366A, 120B, 34 of Indian Penal Code and under Sections 8 and 17 of the POCSO Act and under Section 75 of JJ Act.

3. As per the prosecution case, minor sister of the informant had gone out for natural call in morning at 4'o clock in the meantime, five accused persons including the petitioner kidnapped her with bad intention.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case on the basis of statement recorded under Section 164 of Cr.P.C. of the victim. He further submits that this is the second anticipatory bail application filed on behalf of petitioner. Earlier, the prayer for anticipatory bail of petitioner was rejected on merit by the Co-ordinate Bench of this Court vide order dated 09.03.2022 passed in Cr. Misc. No.29275 of 2021. He further submits that after investigation police has submitted final form against the petitioner but the learned Court concerned has taken cognizance against him. The petitioner has no criminal antecedent and undertakes to cooperate in the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is direct allegation of committing rape upon victim against the petitioner. He further submits that earlier the prayer for anticipatory bail of petitioner was rejected on merit. It is also submitted that the second anticipatory bail of petitioner is not maintainable, therefore, the prayer for anticipatory bail of the petitioner may be rejected.

6. Having considered the facts and circumstances of the case as well as the fact that previously anticipatory bail of



the petitioner was rejected by a speaking order, this Court is not inclined to consider the second anticipatory bail of the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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