

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1621 of 2019**

Arising Out of PS. Case No.-279 Year-2018 Thana- UCHKAGAON District- Gopalganj

Nafish Alam @ Guddu, son of Mohammad Alam, resident of village- Birawat Bazar, P.S- Uchakagaon, Dist - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Upendra Yadav  
For the Opposite Party/s : Mr.Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      24-01-2019              Petitioner apprehends his arrest in connection with Uchakagaon P.S. Case No. 279 of 2018 registered for the offences punishable under Sections 376, 354, 341/34 of the Indian Penal Code and Sections 3/4-5(M) (n) and 6 of POCSO Act.

Allegation against the petitioner is that he has having physical relationship with the informant, who is minor, for the last one year and thereafter he has taken her to Saharsa and thereafter she was kept in his house, not allowing her to come out.

Submission of learned counsel for the petitioner is that as a matter of fact a murder case has been lodged by the petitioner's side against the family members of the informant and to save their skin the present false and concocted case has



been lodged and statement under Section 164 Cr.P.C. and medical examination have been made after much delay.

Heard learned APP, who has opposed the prayer for anticipatory bail of the petitioner stating that the girl is minor, which will appear from Bihar School Examination Board's certificate which is part of FIR.

Having heard both sides and in the facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the petitioner, rather petitioner to surrender and make prayer for regular bail, which shall be considered on its own merit and, if possible, to be disposed of on the same day.

With the above observation, this application is dismissed.

**(Vinod Kumar Sinha, J)**

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