

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24389 of 2020

Arising Out of PS. Case No.-97 Year-2015 Thana- BARAULI District- Gopalganj

Khurshed Alam @ Hussain aged about 31 years son of Mohammad Ajim
Ansari Male Resident of village - Nawada, Police Station- Barauli, District -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 14-12-2020 Heard Mr. Umesh Kumar Singh, learned counsel for
the petitioner and Mr. Navin Kumar Pandey, learned counsel for
the State through video conferencing.

Petitioner apprehends arrest in connection with
Barauli P.S. Case No. 97 of 2015, Gr. No. 1834 of 2015
registered for the offence under Section 363 of the I.P.C. and
Section 4 / 6 of the POCSO Act.

The prosecution story in brief is that the daughter of
the informant aged about 15 years had gone out of her house
and thereafter she became traceless.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case as an after
thought due to oblique motive. On 19.06.2015 the petitioner



was at Delhi and on 20.06.2015 he left for Doha (Quatar). In support of his statement learned counsel for the petitioner relies upon the document annexed at Annexure- 3 of the supplementary affidavit. Learned counsel further submits that the victim girl has returned to her house after two months and her statement under Section 164 of the Cr.P.C was recorded after ten days of her return in which she has for the first time taken the name of the petitioner that the petitioner has kidnapped the victim and has committed rape alongwith some other persons at Mirganj in Gopalganj district. Learned counsel further submits that the doctor has assessed the age of the victim between 17-18 years.

On the other hand, learned counsel for the State referring to the case diary submits that on 21.06.2015 the statement of the informant was recorded by the Police in which he has raised suspicion against petitioner and the victim girl in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that the petitioner had kidnapped and had also committed rape upon her and there is no reason not to believe the statement of the victim girl recorded under Section 164 of the Cr.P.C. before the learned Magistrate.

Having heard learned counsel for the parties and



taking into consideration the materials available on record and the statement of the victim girl recorded under Section 164 of the Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner

Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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