

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24707 of 2021**

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

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KHURSHED ALAM @ HUSSAIN @ HUSSIN Son of Mohamad Ajim
Ansari Resident of Village- Nawada, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-09-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Barauli P.S. Case No. 97
of 2015, registered for the offence punishable under Section 363
of the Indian Penal Code.

As per the prosecution case, on 19.06.2015 at 1.00 am
the daughter of informant had gone out of her house and
thereafter, she became traceless.

It is submitted on behalf of the petitioner that on the
alleged date and time of occurrence petitioner was in Delhi and
as such, he has falsely been implicated in this case. On the next



day i.e., on 20.06.2015 he went to Doha Katar with flight and joined the duty and in support of the same photocopy of passport and visa is annexed. The victim has already married in the month of February, 2016 and petitioner has got no concern with the alleged occurrence. Petitioner is in custody since 19.01.2021 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against this petitioner of committing rape upon the victim girl and the victim girl has also supported the prosecution version in her statement under Section 164 Cr.P.C. The doctor has found her age to be 17-18 years and confirms sexual intercourse.

Considering the nature of allegation and statement of victim girl under Section 164 Cr.P.C, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected. **However, plea of alibi is to be considered at the stage of trial**

(Prabhat Kumar Singh, J)

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