

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7782 of 2022**

Arising Out of PS. Case No.-33 Year-2017 Thana- MAHILA PS District- Darbhanga

MD. ZOBAIR ALAM @ ARSI SON OF GULJAR AHMAD @ GULJAR
ALAM R/O VILLAGE - KUMAL, P.S. - GHANSHYAMPUR, DISTRICT -
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 342, 448, 506,
354, 354(D) of the Indian Penal Code and Sections 8 and 12 of the
Protection of Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that petitioner is the brother-in-
law of the informant and he used to come to her house and in her
absence used to sexually abuse her minor daughter. It is alleged
that he even used to misbehave with the victim while going to
school and was blackmailing her. It is alleged that petitioner also



tried to lift her daughter with a view to drive her away on his bike and at times threatened her for physical torture. It is alleged that whenever the daughter of the informant warned him then he threatened her to disclose the matter in the society which ruin her prestige.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the petitioner is the uncle (Mausa) of the victim. He further submits that there is a dispute between the mother of the victim and the wife of the petitioner who are own sisters with regard to their maternal property. He next submits that the police after investigation submitted final form in favour of the petitioner but the learned court below differing with the police report took cognizance of the offence and, thus, petitioner has apprehension of arrest. Learned counsel next submits that even statement of the victim was not recorded under Section 164 Cr.P.C.

Learned A.P.P. for the State opposes the anticipatory bail application of the petitioner and submits that the victim is a minor, aged about 13 years. He further submits that no mother would institute a case defaming her own daughter and that too a minor whose life is yet to be blossom and no mother for property dispute would ever want her daughter to be defamed for her entire life. He next submits that persons like the petitioner are basically



barbaric persons who are cruel and they should not be allowed to roam freely in the society as they do not even have the basic to differentiate between a woman and a minor child.

Considering the submission made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner as the Court, prima facie, found that no mother would defame or try to disrepute her own minor daughter by alleging such serious and heinous allegation.

Hence, prayer for anticipatory bail is refused in connection with Darbhanga Mahila P.S. Case No. 33 of 2017 pending in the Court of learned Special Judge, POCSO, Darbhanga/successor Court.

(Satyavrat Verma, J)

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