

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50239 of 2022**

Arising Out of PS. Case No.-164 Year-2022 Thana- BAKHARI District- Begusarai

ASLAM KHALIFA @ BHOKARNA SON OF RUSTAM KHALIFA R/O
VILLAGE- MIRKALAPUR, P.S.- BAKHRI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

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

2 15-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A, 372 and 376 of the Indian Penal Code & Section 4 of POCSO Act & Section 3, 4 and 5 of the Immoral Traffic Prevention Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that when he reached the place of occurrence and saw a frightened girl sitting who was being forced by 2 accused to accompany them on their motorcycle, but on seeing the police they fled leaving the motorcycle, further the villagers informed that the girl had fled from red light area. Further, the villagers



identified the petitioner and Sanjay Khalifa, further it is also alleged that the girl disclosed that she was kidnapped by the accused persons including the petitioner after intoxicating her for the purposes of prostitution, further whenever she refused to do such work, she was assaulted, it is next alleged that she jumped from the roof and fled on 21.05.2021 and came to the villager. Further, the victim disclosed her parentage and also that she is a resident of Rohtas.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that when the victim was a resident of Rohtas why she came to the present village. It is also submitted that the falsity of the allegation would manifest from the fact that if what the victim alleges is true then definitely, an F.I.R. would have been instituted relating to her kidnapping but that is not the case, it is also submitted that petitioner is *Up Mukhiya* and is a person with clean antecedent and that perhaps explains as to why the petitioner came to be implicated at the behest of the villagers whose name is not disclosed in the F.I.R. It is also submitted that if the victim had an opportunity to flee from the red light area then definitely she would have gone to her native village



where she was resident of or to her parents but she came to the present village which amply demonstrates that something is amiss in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bakhri P.S. Case No. 164 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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