

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9643 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champaran

=====

ZAHID ALAM S/o Nabihassun Miyan Resident of Ward No. 09, Sohsha,
Mathiya, P.S.- Ramnagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Bagha Mahila PS case no. 16 of 2021 instituted for the
offences punishable under Sections 341, 323, 376/34 of the
Indian Penal Code, Section 4 of POCSO Act and Section 3/4 of
Dowry Prohibition Act,

The informant has alleged that the petitioner had
enticed her on the pretext of marriage and had raped her
repeatedly, whereafter, he refused to marry her.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the
present case, he is having a clean antecedent and is languishing
in custody since 23.09.2021. It is further submitted that the



victim girl as also the petitioner are married from before, hence the occurrence, as alleged by the informant, is fake and fabricated.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that though it is true that the victim girl had earlier solemnized marriage with someone else but the same had been annulled and only thereafter, the petitioner, on the pretext of marrying the informant, had committed rape with her. It is further submitted that the victim is a minor and she has supported the incident in her statement made under Section 164 Cr.P.C. before the learned Magistrate.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available in the case diary, this Court finds that there are ample materials to suggest the complicity of the petitioner in the alleged crime, hence, I do not find any merit in the present petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

