

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31064 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- MADHWAPUR District- Madhubani

1. Md. Akalu S/O Raful R/O Village- Rampur Birit, P.S- Madhwapur, Distt.- Madhubani.
2. Md. Israel S/O Akalu
Both resident of Village- Rampur Birit, P.S- Madhwapur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Learned counsel appearing on behalf of the petitioner submits that the petitioner no.1 (Md. Akalu) has been arrested, as such the present bail application filed on behalf of the petitioner no.1 has become infructuous and it is dismissed as withdrawn.

So far petitioner no.2 (Md. Israel) is concerned, he seeks pre-arrest bail in connection with Madhwapur P.S.Case No.55 of 2022, registered for the offences punishable under Sections 448, 341, 323, 354, 363, 365, 366(A), 376, 504 and 506/34 of the Indian Penal Code and Sections 4/6 of POCSO Act.

Prosecution story, in brief, is that on 05.05.2022, the



informant, who is mother of the victim lodged an FIR with O/C, Madhwapur P.S. alleging *inter lia* that her neighbour Md. Amir used to keep bad eye on her minor daughter aged about 16 years and on 08.04.2022 at 10.30 PM, Md. Aamir entered into her house and started molesting her minor daughter and on hue and cry, Aamir tried to fled away but he was caught with the help of the villagers. It is further alleged that upon receipt of information about this incident, Md. Aamir's family members namely Md. Sitarul, Md. Aklu, Md. Firoz lashed with *Lathi* and spear came to her door and assaulted her husband and her family members. Meanwhile Md. Israile and Md. Israful entered in her house and started abusing her minor daughter and grabbed her hair and assaulted her. It is further alleged that during this incident, Md. Aamir, with the help of his friend Md. Israile and Md. Waris, took her daughter away from home with the intention of marriage and stayed in Nepal for about 25 days and Md. Amir established physical relation with her minor daughter and sexually assaulted her minor daughter. It is further alleged that on 04.05.2022, on assurance of marriage, Md. Amir brought the victim at village Bihari Parsa from Nepal and call his friends Md. Israile and Md. Waris and assaulted her daughter and when she made voice then they fled away on motorcycle.



The learned counsel appearing on behalf of the petitioner submits that so far petitioner no.2 is concerned, he has no role neither in kidnapping the victim girl nor he has participated in the offence.

Allegation of committing wrong with the informant in Nepal is not substantiated with any evidence.

Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

Having considered the rival submissions made by the parties and the allegation made in the FIR as well as the statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner no.2 (Md. Israel) on bail.

Accordingly, the bail application filed on behalf of petitioner no.2 is rejected.

(Purnendu Singh, J)

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