

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43327 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Md. Zakir Alam @ Md. Zakir @ Zakir Son Of Late Habibul Village
Bahichakutti, Ps- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376(D), 506/34 of the Indian Penal Code, Sections 4/6 of the POCSO Act and Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act.

It is alleged by the informant that the petitioner and one Md. Aadil took the minor daughter of the informant to Haryana on the pretext of providing employment but thereafter they committed rape upon the victim and continued the same for a long time. The



accused persons also engaged the victim in flesh trade.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The victim herself with to Haryana for getting employment. The allegation of rape against the petitioner is not corroborated with the medical report of the victim as there is no sign of rape. The doctor has found the age of the victim to be 16 years. The petitioner is languishing in custody since 02.01.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that the specific accusation of committing wrong is against the petitioner and the victim in her 164 Cr.P.C statement has also specifically alleged against the petitioner that he forcefully committed rape upon her.

Considering the fact that thrust of accusation is



against the petitioner, this Court is not inclined to grant bail to the petitioner.

The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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