

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40565 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- KANGLI District- West Champaran

Nazir Alam Son of Md. Isuf @ Isu Mohammad Resident of village - Maswas,
P.S.- Kangali, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kishore Choudhary, Advocate
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-02-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 406, 420, 313, 376-C and 506 of the Indian Penal Code.

The allegation against the petitioner is that he made physical relation with the informant on the assurance that he will marry with her. It is further alleged that he took Rs. 7,68,000/- from the informant but ultimately he refused to marry with her.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation as alleged in the F.I.R. is false



and fabricated and no such occurrence had taken place as alleged in the F.I.R. He further submits that the petitioner has not received Rs. 7,68,000/- from the informant as alleged in the F.I.R. He further submits that the petitioner is in custody since 09.05.2022.

Learned counsel appearing on behalf of the informant as well as learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Kangali P.S. Case No. 43 of 2021 pending in the Court of learned Chief Judicial Magistrate, Battiah, West Champaran.

Prayer is refused.

(Rajesh Kumar Verma, J)

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