

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45661 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- SUGAULI District- East Champaran

KAMRUL NESHA W/o AASH MOHAMMAD R/O VILLAGE- SUGAULI,
P.S.- SUGAULI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Sugauli P.S. Case No. 212 of 2022
for the offence registered under Sections 323, 341,
342, 366 and 376(D)/34 of the Indian Penal Code,
Section 4 of the POCSO Act and Sections 3, 4, 5, 6
& 7 (ii) (c) of the Immoral Trafficking (Prevention)
Act.

The case of the prosecution, in brief,
according to the informant, is that while her
brother namely Shankar Sah had gone to
Deemapur for earning his livelihood, his wife i.e.
the sister-in-law of the informant went missing,



whereafter the informant had searched for her and then she came to know that the petitioner has kept the victim lady confined in her house. The informant is stated to have gone to the house of the petitioner on 05.05.2022 and had then talked to her sister-in-law i.e. the victim lady, who had been kept confined in a room and then the victim lady told the informant that while she was going to catch a train to go to her village from Sugauli Railway Station, the petitioner had enticed her and had taken her to her house, where she was closed in a room and then the petitioner had forced her into prostitution and she was also raped by the accomplice of the petitioner, namely, Jafir Ahmad.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is languishing in custody since 06.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent inasmuch as she is an accused in one other case. The learned counsel for the petitioner



has also submitted that the victim girl has not named the petitioner in her statement made under Section 164 Cr.P.C., before the learned Magistrate.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, apart from having perused the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, this Court finds that the complicity of the petitioner in the alleged crime is writ large from the records, hence I am not inclined to grant bail to the petitioner, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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