

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47258 of 2022

Arising Out of PS. Case No.-344 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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RIZWAN ALAM Son of Ibarar alam Resident of village - Jamadar Tola ,
Ward No. 1, Police Station- Bettiah Town (Kalibagh), O.P., District - West
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner apprehends his arrest in connection with
Bettiah Town P.S. Case No.344 of 2017 instituted under Sections
366(A), 34 of the Indian Penal Code and Section 8 of the POCSO
Act.

As per the prosecution story, the informant alleged that his
minor daughter disappeared and as they failed to locate her, the FIR
was lodged. The FIR was lodged in 2017. It is only in the year 2022
that the petitioner preferred anticipatory bail before the Sub-ordinate
court stating that he has married the lady and had no knowledge
about the case. The learned Sessions Judge took into account the date
of birth of the victim girl and found the same to be minor and
allegation was against the petitioner of having taken away the victim
girl. Accordingly, the anticipatory bail application was rejected.



The present anticipatory bail has been filed in which there are number of inconsistencies inasmuch as while the learned counsel for the petitioner submits that he came to know about the alleged case and his involvement only in the year 2021, a bare perusal of the so called affidavit which according to the counsel for the petitioner has been put signed by the informant, he had the knowledge about this case since May, 2019.

There is no statement on why in a case of 2017, the petitioner chose not to take recourse to legal remedy for five years.. Coupled with the fact that as per the observation of the learned Sessions Judge, the victim girl at the time of lodging of the FIR was minor, and the petitioner being the main accused, this Court is not inclined to grant him relief and the anticipatory bail application is rejected.

He, if so advised, may surrender before the Sub-ordinate court within a period of two weeks from today and in that case, his bail application shall be taken up and disposed of preferably on the same day without being prejudiced by any observation made in this order.

(Rajiv Roy, J)

Prakash Narayan /-

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