

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65885 of 2023**

Arising Out of PS. Case No.-208 Year-2023 Thana- KURTHA District-
Jehanabad

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NAZIR SHAH Son of Shahju Sah Resident of Village-Seva Bigha, P.S.-
Kurtha, District-Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Vinay Mistry, learned counsel for the

petitioner and Mr. learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kurtha P.S. Case No. 208 of 2023 registered for the
offence under Sections 366(A), 504, 506/34 of the Indian
Penal Code and Section 4 of the POCSO Act.

The petitioner is alleged to have abducted the
minor daughter of the informant and committed rape upon
her.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation, as alleged in the F.I.R., is



false and fabricated and the petitioner has not committed any offence.

Learned A.P.P. for the State, on the basis of material available on record, has opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner as well as other accused persons have committed rape upon her and the medical report of the victim also supports the allegation levelled in the F.I.R. against the petitioner.

Considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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