

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5419 of 2024

Arising Out of PS. Case No.-547 Year-2023 Thana- MUFFASIL District- West Champaran

Tabrez Alam S/O BULLET MIAN VILLAGE- AMWA MAJHAR TOLA
FULWARI, PS. MUFFASIL, DIST. WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bettiah Muffasil P.S. Case No. 547 of 2023 registered for the
offence under Sections 363 / 366(A) / 34 of the IPC.

3. As per the prosecution case, the allegation against
the petitioner is that he alongwith other co-accused persons
kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that petitioner is in custody
since 30.08.2023.

5. However, learned APP for the State vehemently



opposed the prayer for regular bail.

6. On perusal of FIR, case diary and impugned order dated 29.11.2023, it appears that on the basis of written report the informant registered FIR under Section 363, 366A / 34 of the IPC against 9 accused persons including the present petitioner Tabrez Alam. During investigation offence under Section 8 of the POCSO Act was added in the FIR. On the basis of case diary and impugned order, it appears that victim is a minor girl and her date of birth is 18.07.2006 and statement recorded under Section 161 of Cr.P.C. victim has clearly stated against the petitioner alleging the sexual assault without his consent. So, in these circumstances, I am not inclined to grant bail to the petitioner.

7. Accordingly prayer stands rejected.

(Ramesh Chand Malviya, J)

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