

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34844 of 2024

Arising Out of PS. Case No.-379 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Alisher Khan S/o- Late Nasir Khan Village- Baswariya Imli Chauk Ps-
Bettiah Town Dist- West Champaran Petitioner/s

Versus

1. The State of Bihar
 2. Afroj Khan son of Islam Khan Village- Hanuman Gardhi P.S.- Motihari
Sadar District- East Champaran
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 05-08-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No. 1358 of 2023 arising out of Motihari Town
P.S. Case No. 379 of 2022 registered for the offence under
Sections 366, 341, 323 and 376 of the IPC.

3. As per allegation in the FIR, it is a case of
kidnapping the daughter of the informant for illegal work by the
petitioner.

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 informant is the brother-in-
law of the petitioner. He next submits that the petitioner is in



custody since 08.09.2022.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR, case diary, 164 Cr.P.C. statement of the victim girl and impugned order dated 04.11.2023, it appears that the petitioner is named in the FIR and he seduced and took away the informant's daughter in unknown place and committed rape. Petitioner already got three marriage and there is no trace of the three girls and in the Statement of the victim girl recorded under Section 164 of the Cr.P.C. in which she has stated that her uncle kidnapped her making her unconscious by putting hanker chief on her nose and took her to his house which is in Darjeeling and kept her there for three months and during that period her uncle raped her and made her do household chores. She further ran away from there on 04.09.2022. It appears from para 105 of the case diary that the informant has stated that the petitioner kidnapped the daughter of the informant and took her away to Darjeeling Siliguri and committed rape with her. Charge sheet in this case has already been submitted and the witnesses have supported the case of the prosecution.

7. Considering the very heinous offence made against



the petitioner, so I am not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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