

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44534 of 2024

Arising Out of PS. Case No.-55 Year-2022 Thana- MADHWAPUR District- Madhubani

Md. Amir Son of Md. Sitarul R/O Vill.- Rampur Birit, P.S.- Madhwapur,
Dist.- Madhubani Petitioner/s

Versus

1. The State of Bihar
2. Sakila Khatoon Wife of Md Sabir R/O Vill.- Rampur Birit, P.S.-
Madhwapur, Dist.- Madhubani Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Shailendra Kumar Jha, learned counsel
for the petitioner and Mr. Jitendra Kumar Singh, learned APP
for the State.

2. The petitioner is apprehending his arrest in connection with Madhwapur P.S. Case No. 55 of 2022, F.I.R. dated 05.05.2022 for the offences punishable under Sections 448, 341, 323, 354, 363, 365, 366A, 376, 504, 506 and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. According to prosecution case, this petitioner along with other accused persons have assaulted the informant and her family members. It is further alleged that this petitioner with the help of his friend kidnapped the minor daughter of the informant and took her to Nepal where he committed rape upon her.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present 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 offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the allegation is supported by the statement of the victim recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has abducted her and apart from that the petitioner has also committed rape upon her in Nepal.

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Madhwapur P.S. Case No. 55 of 2022 pending in the court of Additional Sessions Judge-VII-cum-Special Judge POCSO Court, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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