

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61670 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- BIHARIGANJ District- Madhepura

Md Gaush Azam @ Md. Gaush SON OF Md. Firoz Alam @ Md. Firoz
Resident of Village- Rahata, Ward No. 1, Police station- Udakishunganj,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Singh, Advocate
For the Opposite Party/s	:	Mrs. Suman Kumari Singh, APP
For the Informant	:	Mr. Pawan Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in Bihariganj P.S. Case
No. 72 of 2024, instituted for the offences punishable under
Sections 341, 366, 376, 379, 506 and 34 of the Indian Penal
Code.

3. The prosecution case, in short, is that, on the
pretext of marriage, the petitioner abducted the daughter of the
informant and made illicit relationship with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay of five days in lodging the FIR. On perusal of the medical report it appears that no any sign of recent intercourse present at the time of medical examination of the victim. It is further submitted that statement of the victim made under Section 161 Cr.P.C. contradicts with the statement made under Section 164 Cr.P.C. The petitioner is in custody since 17.04.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State further submits that the victim in her statement recorded under Section 164 Cr.P.C. has made specific allegation against the petitioner. There is serious and specific allegation against the petitioner of abducting the victim and making physical relationship with her on the pretext of marriage. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of allegation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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