

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66077 of 2023

Arising Out of PS. Case No.-564 Year-2023 Thana- SIKARPUR District- West Champaran

ABRAR @ MD. ABRAR @ BHUAR GADDI son of Nagadu Gaddi @
Nandu Gaddi @ Nagadu Raut Village- Rakhai Po- Rakhai Ps- Shikarpur Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

ORAL ORDER

7 14-03-2024

Heard learned counsel for the parties.

2. The petitioner seeks regular bail in connection with Shikarpur P.S. Case No. 564 of 2023 registered for the offence under Sections 376D, 367, 370, 370A, 372, 373, 343, 504, 506, 120A / 34 of the Indian Penal Code and Sections 16, 17, 18 of the B.L. Act, 1976 and Sections 25(1-b) A, 26, 35 of the Arms Act, Sections 8, 12 of the POCSO Act, Sections 75 and 79 of the Juvenile Justice Act and Sections 3, 4, 5 and 6 of the I.T.P. Act, 1956.

3. As per the prosecution case, the allegation against the petitioner is that he is engaged in the business of immoral trafficking.

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



present case. He is custody since 08.07.2023.

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

6. On perusal of the FIR and statement recorded under Section of 164 of Cr.P.C. of victims girl, she has stated that accused Firoz Alam gave assurance of marriage and on that pretext sexually abused the victim girl, he also used to make her work in orchestra and misappropriate the money earned by her on performing in orchestra and when he denied to marry her, panchayat was held and he was asked to marry the victim which he accepted but later denied to marry. As per the statement under Section 161 of Cr.P.C. she has categorically stated that she was sold to the orchestra where she has made specific allegation of gang rape against the petitioner and other co-accused persons. Hence this is a very heinous offence against the petitioner, in these circumstances I am not inclined to grant bail to the petitioner.

7. Prayer is accordingly, rejected.

(Ramesh Chand Malviya, J)

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