

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83502 of 2023**

Arising Out of PS. Case No.-59 Year-2022 Thana- BARGAINIA District- Sitamarhi

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Pervej Alam Khan @ Pervej Khan S/O Nurul Hoda Khan @ Phool Khan  
Village- Chakwa, Ward No. 9, Ps. Bairgania, Dist. Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha  
For the Opposite Party/s : Md. Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      04-01-2024                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 376D, 511, 34 of the Indian Penal Code and section 4 and 6 of the POCSO Act.

3. As per allegation in the FIR, on 6.3.2022, informant came out of the house for natural call in night at 10:00 P.M. then three accused persons including the petitioner shut her mouth and forcibly took her near bamboo clump with a view to outrage her modesty. All the three accused got her down on the earth and tried to commit rape but in the meantime mother of the victim girl reached



there and her modesty was saved.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Prior to the alleged occurrence, petitioner has lodged a written report Bairgania P.S. Case No. 290 of 2021 u/s 376 and Section 4 of the POCSO Act against the father of the victim/informant in which he has been declared absconder. Only to put pressure and compromise the case, petitioner has been implicated in this case on the basis of false and concocted story. Informant and his family members are in habit to lodge several cases against the petitioner with oblique motive. Differing with the final form, learned court below took cognizance against the petitioner and petitioner has surrendered on 25.8.2023 and since then he is in custody.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that eight criminal cases of like nature are pending against the petitioner. He is a habitual offender.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this



court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Sitamarhi in connection with Bairgania P.S. Case No. 59 of 2022.

**(Sunil Kumar Panwar, J)**

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