

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3661 of 2024

Arising Out of PS. Case No.-288 Year-2021 Thana- CHHATAPUR District- Supaul

Moulvi Md. Kamil son of Late Rafeek Village- Aurahi Hingna, Ps- Simraha
Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najrana Khatoon wife of Md. Shamim Village- Narahaiya W.No-8, Ps-
Chhatapur Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Nafisu Zzoha, learned counsel for the

petitioner and Mr. Narendra Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Chhatapur P.S. Case No. 288 of 2021, F.I.R.
dated 18.08.2021 for the offences punishable under Sections
363, 365, 366A and 34 of the Indian Penal Code and Sections 8
& 17 of the POCSO Act.

3. According to prosecution case, petitioner is said to
have abducted the minor daughter of the informant.

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. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she fairly stated that she the has performed the marriage with the petitioner on 16.08.2021.

5. The learned Additional Public Prosecutor on the basis of material available on record has vehemently opposed the prayer for bail of the petitioner and submits that the educational certificate of the victim suggests that the date of birth of the victim is 16.04.2007 and it appears that on the date of the occurrence, the victim was minor.

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 Chhatapur P.S. Case No. 288 of 2021 pending in the court of learned A.D.J.-VI- Cum-Special Judge, POCSO Act, Supaul.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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