

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47198 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- AAJAM NAGAR District- Katihar

Md. Nizam Alam @ Nizam @ Nijam S/o Gulam Mustafa Hussain R/o vill -
Kauwamari, O.P. No. Salmari, P.S. - Azamnagar, Distt- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farmuda Khatoon D/o Md. Farman R/o vill - Sikatiya Bairiya, P.s. - Azam Nagar, Distt.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Azam Nagar P.S. Case No. 420 of 2023 for the offence under Sections 341, 323, 379, 366(A), 376/34 of the Indian Penal Code and under Section 4 of POCSO Act.

3. As per the prosecution story, the informant has stated that she met the petitioner during his visit to her village and finding her alone the petitioner has established physical relation and this relation continued for two years on false pretext of marriage. When informant pressurised him for marriage the petitioner took her to Maharashtra upon false pretext of



marriage and kept her there for several days in a rented room. Thereafter, petitioner brought the informant from Mumbai to Katihar and left her. When informant went to the house of the petitioner then his family members assaulted her, took away all her belongings and driven her out of the house.

4. Learned counsel for the petitioner submits that the informant was already married with another person and the physical relationship established between them is consensual. He further submits that there is total three months delay in lodging the F.I.R. and the reason of delay is not explained.

5. Learned APP opposes the prayer for bail and submits that the petitioner has made false promise of marriage and has established physical relation with the informant with the wrong intention.

5. There is specific allegation against the petitioner – Md. Nizam Alam that he committed rape several times upon the victim on false pretext of marriage and lastly he took her away Maharashtra. Victim girl in her statement recorded under Section 164 Cr.P.C. has supported the case and also stated that the petitioner made forceful relation with her on the false promise of marriage. She appears to be a minor as per her statement recorded under Section 164 Cr.P.C.



6.Keeping in view the aforesaid facts and considering the direct allegation upon the petitioner, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the present application for Anticipatory Bail of the petitioner stands rejected.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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