

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.570 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- THAKURGANJ District- Kishanganj

Sabir Alam son of Abbas R/o vill- Malikadanga, Dhantola, P.S- Islampur,
District- Uttar Dinajpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Israil S/o Late Yad Ali R/o vill - Dudhauti, ward no. 4, P.S.- Thakurganj,
Distt.- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 29-04-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with Thakurganj P.S. Case No. 112 of 2024, registered for the
offences punishable under Sections 137(2), 96, 143, 62 and
3(5) of B.N.S.

3. The prosecution case in brief is that a written
statement of the informant was filed alleging that on
19.07.2024 his minor daughter was kidnapped by one



Nurshed for the purposes of marriage and subsequently, it came to his knowledge that the two persons namely Shamir and Sabir Alam (petitioner) and the other co-accused Nurshed had taken away his daughter to sell her in the red light area. It has further been alleged that co-accused Shamir had left the victim at Sabir's shop and thereafter the informant had contacted the elder sister of the victim girl and finding that they were brought home and the present FIR was being lodged on 30.07.2024.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from mere perusal of the FIR, the occurrence is stated to be on 19.07.2024, however, for the next 11 days, no report was given whatsoever to the police with regard to the missing of the victim girl and only after her recovery the present FIR has been lodged. Learned counsel further submits that from perusal of the FIR, it is also evident that no allegation of rape was made against the petitioner or any other co-accused person. However, in her subsequent statement made under Section 164 Cr.P.C., the victim girl has stated that she was raped by the petitioner as well as the other accused persons. Learned counsel for the



petitioner has drawn the attention of this Court towards the medical report which states that no recent sexual activity could be observed in the medical examination which also falsifies the allegation of rape made by the victim girl which apparently seems to be an afterthought. Lastly, it has been submitted that petitioner carries clean antecedent and he is in custody since 31.07.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has alleged that the petitioner is involved in child trafficking and does not deserve the liberty of bail.

6. Considering the aforesaid facts and circumstances and taking into the fact that the present case was lodged after the delay 11 days of the date of alleged occurrence, also taking note of the fact that the medical report does not substantiate the allegations made against the petitioner and taking into account the fact that the petitioner is languishing in custody since 31.07.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction of
the court of learned Chief Judicial Magistrate, Kishanganj, in
connection with Thakurganj P.S. Case No. 112 of 2024.

(Sourendra Pandey, J)

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