

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2418 of 2018

Arising Out of PS.Case No. -46 Year- 2016 Thana -BALIGAON District- VAISHALI (HAJIPUR)

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Md. Wasim, Son of Md. Nasim, resident of Village- Bela Dargah, P.S.-
Baligaon, District- Vaishali.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Baligaon P.S. Case No. 46 of
2016 instituted for the offence under Sections-366A/34 of the Indian Penal
Code.

It is alleged in the written report that minor sister of the informant
has been kidnapped by this petitioner along with other accused persons by
Bolero car.

The victim girl has given her statement u/S 164 Cr.P.C. vide
Annexure-4 wherein she has stated her age as 16 years and the court has also
assessed her age as 16 years. She has stated in her statement u/S 164 Cr.P.C.
that this petitioner took her by a car after giving threat to her and kept in a
room in Samastipur and from Samastipur, he took her to Punjab and kept her
in a room and committed physical relationship with her on promise to
perform marriage with her.

It is alleged that two friends of this petitioner also wanted to



commit illegal act with her, which was opposed by the sister of the informant. It is further alleged that this petitioner all of a sudden, fled away from the house leaving the victim girl alone and she was sent to her village by train by neighbours.

The victim girl has stated her age to be 16 years and the court has also assessed her age as 16 years.

Counsel for the petitioner has submitted that this girl was consenting party and she has visited various places with him. Counsel for the petitioner has submitted that the Medical Board has found her age to be 17-19 years.

This court after looking into statement of the victim recorded u/S 164 Cr.P.C., finds that conduct of the petitioner was to commit illegal act with her after giving her false promise to perform marriage and thereafter, took her to different places. Thereafter, this petitioner established physical relationship with her several times and fled away leaving her in a house.

In such circumstances, this court does not find it a fit case for grant of anticipatory bail. Accordingly, prayer for anticipatory bail stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

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