

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12368 of 2019**

Arising Out of PS. Case No.-309 Year-2018 Thana- RAXAUL District- East Champaran

Md. Bashir Alam, aged about 53 years, Male, S/o Late Abdul Sakoor Alam @ Late Sadoor Alam @ A. Sakur, Resident of Village- Baxa, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 28-02-2019 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

The petitioner apprehends his arrest in Raxaul P.S. Case No.309 of 2018, registered under Sections 363, 366A and 370 of the Indian Penal Code.

The father of the victim alleged that the petitioner being the maternal uncle of the victim along with his son-in-law, namely, Arman enticed his daughter to Duncon Hospital on the pretext of treatment of her maternal aunt but when the victim went to the hospital, she did not find her maternal aunt being treated in the hospital. The petitioner disclosed that she was taken to Birganj for treatment. The informant alleged that the



petitioner with the help of others kidnapped his minor daughter.

Learned counsel for the petitioner submits that the occurrence took place on 04.09.2018 but the complaint was filed on 11.09.2018. The father of the victim narrated all the details what was stated by the victim in her statement recorded under Section 164 Cr.P.C. The petitioner happens to be own brother-in-law of the informant. The informant wanted to get share in the property of the petitioner and that is why this case has been lodged making false and concocted story of kidnapping of his daughter. It is further submitted that the victim also made her statement on 16th January, 2019 and she made allegation against Arman about her sexual exploitation.

The learned counsel for the informant and the learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submit that it was petitioner who with the help of his son-in-law kidnapped the minor daughter of the informant and took her to Kerala after intoxicating her. The son-in-law of the petitioner also committed rape with the victim.

Having considered the facts that the petitioner being maternal uncle of the victim along with his son-in-law firstly enticed the victim to visit Duncon Hospital on the pretext of her maternal aunt being treated in the hospital but the maternal aunt



of the victim was not found there, thereafter the victim girl was kidnapped and taken to different places, the victim made very specific allegation against the petitioner and his son-in-law, namely, Arman to commit rape with the victim, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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