

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29889 of 2019**

Arising Out of PS. Case No.-351 Year-2018 Thana- KRITYANAND NAGAR District-  
Purnia

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GUDDU MISTRI Son of Sochen Mistri Resident of Village-Sousa, Police  
Station-K.Nagar (Maranga), District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      22-08-2019      The petitioner apprehends his arrest in connection with  
K.Nagar (Maranga) P. S. Case No. 351 of 2018 registered under  
Sections 363 and 366/34 of the Indian Penal Code.

Allegation against the petitioner, as per FIR lodged by  
maternal-grand-daughter of the informant, aged about 14-15  
years, and his co-villager Guddu Mistri, who is petitioner, had  
gone to Gerabari from the village on a tempo bearing  
Registration No. BR 11M 3763. It has further been alleged that  
petitioner as well as co-accused i.e., tempo owner told the  
informant that his grand-daughter got down from the tempo and  
when informant inquired from the petitioner and co-accused,  
they told him that they have no knowledge about whereabouts  
of victim girl.



Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case merely on suspicion inasmuch as tempo was being driven by one Chunna Sah and not by this petitioner. He submits that victim girl was recovered after some time and came back to village thereafter her statement under Section 164 Cr.P.C. has been recorded after 22 days.

On the other hand, learned counsel for the informant submits that petitioner is the main accused inasmuch as victim girl, who is a minor, in her statement has categorically stated that the petitioner along with other forcibly took her in a templo and brought her near Gerabari from where they blinded her with cloths and taken her to somewhere else and she was assaulted sexually by the accused persons. When she regained consciousness, she was found herself in a village of Sitamarhi and somehow she managed to escape from the place of her captivity and went to Kolkata from where she has been brought to her village by the police.

Learned counsel for the petitioner, in reply, submits that from perusal of the FIR, it would be evident that there is contradiction between the two, victim girl is disclosing completely a different story in her statement contrary to the



statement made by the informant in the FIR.

After having heard learned counsel for the parties and taking into consideration the fact that victim girl, in her statement, disclosed the name of petitioner and one co-accused having involved in the offence and further she has been found to be minor by the doctor, I not am inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is rejected.

**(Anil Kumar Sinha, J)**

sujit/-

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