

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75200 of 2018

Arising Out of Case No.-3463 Year-2015 PURNIA COMPLAINT CASE District- Purnia

Md. Ghalib Son of Abdul Gani Resident of Village-Sirsi, Paschim Tola
Patugaon,P.S. Rauta,Distt.-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Salauddin S/o Late Md. Sajir Resident of Village-Sirsi Paschim Tola,P.O.
Sirsi Hat,P.S. Rauta,Distt.-Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Sri Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-01-2019 Heard the learned counsel for the petitioner, learned
counsel for the Complainant and the learned APP.

The petitioner apprehends his arrest in C.A. case No.
3463 of 2015 for the offence allegedly committed by the
petitioner under Section 366 of the Indian Penal Code.

The complainant alleged that his daughter went
outside of her house at 11 PM on 02.04.2015 to attend the call
of nature but she did not return. The complainant and others
made frantic search but the victim could not be traced out. The
complainant knew that petitioner with the help of others
kidnapped his daughter.

The learned counsel for the petitioner submits that the
occurrence is said to have taken place on 02.04.2015 but the



complaint petition was filed on 03.10.2015. The victim herself had gone to somewhere else and came after some time and made her statement before the court. In her statement she disclosed that petitioner put something on her neck resultantly she became unconscious. She got consciousness while she was travelling in train. She further alleged that petitioner established physical relation with her. It is submitted that from the statement of victim itself, it appears that victim was a consenting party. She did not raise any alarm all along her journey from her house to Hyderabad. She made her statement against the petitioner on the pressure of her parents. The victim is major. She was married but her husband deserted her.

On the other hand, the learned counsel for the complainant vehemently opposed the prayer for anticipatory bail and submitted that victim herself in her statement stated that on the point of arms the petitioner and others took her to Hyderabad and forcibly established physical relation with her.

It appears from perusal of the records as well as statement of the victim that although the occurrence took place on 02.04.2015 but the complaint was filed on 03.10.2015, that is, after about six months. The victim also made her statement as Complainant Witness-2 in the complaint case and disclosed that



she got her consciousness while travelling in train but she did not raise any alarm all along her journey to Hyderabad. This fact itself shows that victim herself left her house and accompanied the petitioner.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged 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 learned Chief Judicial Magistrate, Purnea in connection with C.A. Case No. 3463 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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