

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13164 of 2021

Arising Out of PS. Case No.-59 Year-2019 Thana- SAHIYARA District- Sitamarhi

ASLAM Son of Mazid Ansari, Resident of Village - Girmisani, P.S.- Punaura,
District – Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr. Uday Chand Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-01-2022 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video
conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection
with Sahiyara P.S. Case No. 59 of 2019 registered for offence
punishable under sections 363, 366A of the Indian Penal Code.

The informant, Rudal Kumar lodged FIR stating
therein that his daughter aged about 17 years went out of house
on 13.06.2019, but she did not return. The informant expressed
his belief that some had kidnapped his daughter.



The learned counsel for the petitioner has submitted that the victim was recovered and her statement was recorded under section 164 of the Cr.PC. and in last portion of her statement, she has stated that co-accused Ejaj has committed rape upon her after deluding her at the pretext of marriage. He has further submitted that although the name of the petitioner has been figured in the statement under section 164 Cr. PC, but no specific role of the petitioner has been assigned in that statement.

From perusal of the statement recorded under section 164 Cr.PC it transpires that the victim has stated that co-accused Ejaj deluded her in love and on the pretext of marriage, committed rape on her, but in initial portion of the statement, she has stated that 4 or 5 boys in number brought her to village Persauni and co-accused Raushan, Ejaj, Aslam, Mushtak, Mritunjay, Istefaque and Sahanbaj, after making pressure, kept her in village Parsauni. It appears from perusal of the statement recorded under section 164 Cr.PC that the present petitioner along with other accused persons, was also involved in forcibly confining the victim in village Parsauni. As such, the petitioner is not entitled for privilege of anticipatory bail.

Accordingly the prayer of petitioner for anticipatory



bail is hereby rejected.

Office shall ensure that all defects are removed by the
petitioners within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey , J)

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