

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3479 of 2021

Arising Out of PS. Case No.-200 Year-2017 Thana- BARACHATTI District- Gaya

Awadhesh Mistry Son Of Janardhan Mistry @ Jarardhan Mistry @ Janardan
Sharma Resident Of Village - Ambatari, P.S. - Mohanpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363, 365, 376(D)/34 of the Indian Penal Code.

It is alleged against the petitioner and his associates to have abducted and ravished the daughter of the informant who is minor aged about 15 years.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. The police has not submitted charge-sheet against the petitioner. Moreover, for the alleged occurrence of 15.04.2017, the F.I.R was registered on 17.04.2017.

Perused the case diary as well as F.I.R and the



impugned order. In para 24 of the case diary, the statement of the victim under Section 164 Cr.P.C has been recorded where she has alleged that this petitioner and two others have abducted the victim and thereafter committed sexual intercourse with her.

Considering the fact that the victim in her 164 Cr.P.C statement has specifically alleged her kidnapping and thereafter sexual assault against the petitioner along with two other accused, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.

(Sunil Kumar Panwar, J)

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