

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48036 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Gopi Shankar @ Gopi Shankar Yadav S/o- Premchand Yadav Resident of
Village - Mishrauliya, P.S.- G.B. Nagar (Tarwara), District – Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance:

For the Petitioner : Mr. Ram Sandesh Roy, Advocate
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under sections 363(A), 366(A) and
34 of the Indian Penal Code.

It has been alleged against the petitioner that he has
helped the main accused, namely, Dipu Kumar in kidnapping
the daughter of the informant to solemnize the marriage by
force, to sale or to establish the physical relation.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent. Learned counsel for the petitioner further submits that no overt act has been attributed against the petitioner. According to medical board report, the age of the victim is 17 to 19 years. Learned counsel for the petitioner further submits that the statement of the victim was recorded under section 164 of the Cr.P.C. in which she has not alleged any specific overt act against the petitioner.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that victim is minor according to the admit card issued by the Bihar School Examination Board and statement of the victim had been recorded under section 164 of the Cr.P.C., in which she has supported the prosecution case.

Having regard to the facts and circumstances of the case, as the victim is a minor girl, I am not inclined to grant anticipatory bail to the petitioner. The prayer for grant of anticipatory bail of the petitioner is rejected.

This instant application is dismissed.

(Anjani Kumar Sharan, J)

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