

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62349 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- DHAKA District- East Champaran

ABDUL SALAM S/o Noor Mohammad R/o village- Parsa, P.S.- Dhaka,
District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Dhaka P.S. Case no. 328 of 2020 registered under sections
363 and 365/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and the statement of
the victim under section 164 Cr.P.C was recorded in which she
named the petitioner and alleged that he along with his friend
kidnapped her and took her to several places and committed
rape upon her but her statement was not of her free will rather



it is tutored and concocted.

Heard both sides and perused the record of the case. The present case relates to kidnapping of a minor girl and FIR has been registered under sections 363 and 365 read with section 34 of the Indian Penal Code and as per prosecution case, relevant provision of POCSO Act was added later on, after returning of the victim.

Admittedly, statement of victim under section 164 Cr.P.C was recorded and she supported the allegation of kidnapping in her statement and also alleged offence of rape having committed upon her by the petitioner and in the FIR, informant has made direct and specific allegation against the petitioner. The case is under investigation.

Considering all facts, in my view, it is not a fit case for anticipatory bail and accordingly, his prayer for anticipatory bail is rejected.

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

(Shailendra Singh, J)

s.hassan/-

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