

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13078 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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MUNTAJIR ANSARI Son of Hasmuddin Ansari R/v- Mehura, P.S.- Bagaha,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory

bail in connection with Bagaha Mahila PS case no. 73 of

2022, registered for the offences punishable under Sections

376, 366 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief, according

to the informant, is that on 05.05.2022 at about 7 pm in the

evening, the petitioner herein, who is the brother-in-law of the

informant, had lured her and taken her to another place, where

he had raped her for 03 months and then he had made her sit

in a train and disappeared. It is further alleged by the

informant that she had then searched for the house of the



petitioner and had gone there, however, she was assaulted by the accused persons, whereafter, they had driven her out of the house.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the FIR has been belatedly filed after a lapse of more than 04 months, with oblique motives. It is also submitted that when the husband of the informant had gone out of the village for earning his livelihood, the informant has developed friendship with the petitioner and she had voluntarily fled away with the petitioner and gone to Dehradun, where they had spent three months, hence the petitioner had apparently not forcibly kidnapped or enticed the informant, thus the petitioner be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that



admittedly, the petitioner had taken away the informant and moreover, the informant has also supported the factum of her being raped by the petitioner, in her re-statement, this Court finds that the petitioner is *prima facie* having complicity in the alleged occurrence, hence, I am not inclined to grant anticipatory bail to the petitioner herein, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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