

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.623 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- BARH District- Patna

Rohit Raj @ Guddu Son Of Om Prakash Gupta R/O Vill./MOHALLA-
Kazichak, P.S.- Barh, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar

2. Abu Sadat Khushtar, Male, Son of Late Shabuddin Ahmad, R/o village-
Salempur, P.S.- Barh, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP Mr. Anil Kumar Singh, Advocate Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Barh P.S. Case no. 102 of 2022 registered under sections 365 and 366 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the documents of his sister as mentioned in the F.I.R had been taken by the petitioner for getting the same laminated but the same were not returned. It is for this purpose the sister had to visit him a number of times. On the date of occurrence, it is stated that on his sister not returning, her mobile phone was also found to be switched off. On the



informant going and making inquiries from the petitioner's father, he did not give any satisfactory reply and shut his door. It is stated that on inquiry, it transpired that the four named accused persons including the petitioner herein had taken the informant's sister with them.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The alleged victim, sister of the informant, is 23 years old and from the contents of the F.I.R. it would transpire that she was in contact with the petitioner. Even from the contents of the statement made under section 164 Cr.P.C, it would transpire that there was no physical assault and no marriage took place. It is stated that the victim did not raise any alarm and no medical examination took place. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Referring to the contents of the F.I.R. and statement made under section 164 Cr.P.C, learned counsel for the informant submits that the petitioner is named in the F.I.R and there is direct allegation against him of having kidnapped the informant's sister and of having established physical relations with her.



6. Having heard learned counsel for the parties and taking into consideration the nature of allegation specially the statement of the victim sister of the informant under section 164 Cr.P.C, Annexure-2 to the petition, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the Court below within a period of four weeks.

8. In case the petitioner surrenders within the aforesaid period and prays for regular bail, the same shall be considered by the learned trial Court without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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