

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43162 of 2024

Arising Out of PS. Case No.-226 Year-2015 Thana- RAXAUL District- East Champaran

1. Shammi Akhtar Son Of Kashim Miyan Resident Of Vill- Nauka Tola, P.S.- Raxual, District- East Champaran.
2. Salauddin Miyan @ Salauddin Ansari Son Of Kashim Miyan Resident Of Vill- Nauka Tola, P.S.- Raxual, District- East Champaran.
3. Murtuja Miyan Son Of Kashim Miyan Resident Of Vill- Nauka Tola, P.S.- Raxual, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur,APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-07-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending his arrest in connection with Raxaul P.S. Case no. 226 of 2015 registered under sections 363 and 366A of the Indian Penal Code.

3. As per the prosecution case, the informant states that his fifteen year old sister was kidnapped on 20.9.2015. On inquiry it transpired that Nabi Akhtar of the village was seen forcibly taking her away. The informant states that on making inquiry from his father, he became angry.

4. It is submitted by learned counsel for the petitioners



that the petitioners are not named in the F.I.R. They have been falsely implicated in the case in course of investigation. No allegation has been levelled against them by the informant. The case is one of love affair between the daughter of the informant and Nabi Akhtar. The reason of false implication of the petitioners are that they happen to be brother of the said Nabi Akhtar. The petitioners have no criminal antecedent and undertake to cooperate in the case.

5. The application is opposed by learned A.P.P for the State who submits that from the order of the learned trial Court as also the contents of the FIR it would transpire that in an F.I.R of the year 2015, on the daughter of the informant being recovered, her statement was recorded under section 164 Cr.P.C wherein she has categorically named the three petitioners herein. She has stated as to how she was administered sedative biscuit and taken to Mumbai by Nabi Akhtar and his associates i.e. the petitioners herein and the said Nabi Akhtar committed rape on her multiple times. The petitioners have moved this Court for grant of anticipatory bail nine years after the occurrence.

6. Having heard learned counsel for the parties and having perused the material on record, the contents of the



statement of the victim under section 164 Cr.P.C which has been discussed in detail in the order of the learned Court below, the petitioners having been named therein and there being specific allegation by the victim of the petitioners along with others having kidnapped her and rape having been committed by the co-accused Nabi Akhtar, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the trial Court within a period of four weeks.

(Partha Sarthy, J)

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