

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48319 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- KARJA District- Muzaffarpur

Dheeraj Kumar Son Of Prabhu Prasad Village- Khalilpur, Ps- Karja, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Verma
For the State : Mr. Chandra Bhushan Prasad
For the Informant : Mr. Sita Ram Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State, Shri Chandra Bhushan Prasad and learned counsel appearing on behalf of the Informant.
2. The petitioner apprehends his arrest in connection with Karja P.S. Case No. 70 of 2024 registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.
2. Learned counsel for the petitioner submits that by order dated 7-8-2024, case diary was called for along with statement of the victim recorded under Section 164 of the Cr.P.C, but the same till date has not been received.
3. The Court will not wait endlessly for the case diary and the statement of victim recorded under Section 164 Cr.P.C



and hence proceeds to decide the case on merits based on the allegations as alleged in the FIR and the facts as recorded in the order impugned.

4. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 4-3-2024, his daughter had gone to her college but did not return till 5-3-2024, thereafter, a search was made but the victim could not be located. It is next alleged that petitioner used to teach the victim and thus had abducted her and even the petitioner was missing from his home and the mobile phones of the victim and the petitioner were switched off.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that informant is aged about 19 years and thus is a major, further she was in love with a boy and on 4-3-2024, she called the petitioner on pretext of some urgent work and threatened to kill herself if the petitioner does not take her to Darbhanga, accordingly the petitioner took her to Darbhanga where she talked to someone and asked him to take her to Ranchi, thereafter the petitioner dropped her at Ranchi. It is also submitted that victim even withdrew an amount of RS.



10,000/- from the A.T.M in Muzaffarpur and had also withdrawn an amount of Rs. 5,000/- from Ranchi. Learned counsel thus submits that since petitioner was known to the victim and victim had sought his help as such he merely helped her as he was aware that she is a major aged about 19 years and thus was capable of taking decisions on her own being aware of the consequences.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. Learned counsel appearing on behalf of the informant submits that petitioner is teacher of the victim and he has completely shattered the said relationship as would manifest from the statement of the victim recorded under Section 164 Cr.P.C as has been penned in the order impugned. Learned counsel thereafter draws the attention of the Court to the impugned order to submit that statement of the victim was recorded under Section 164 Cr.P.C wherein she has supported the case of the prosecution and has also stated that she was taken to Ranchi by the petitioner where she was confined in a room in a secluded place and petitioner forcibly established physical relation with her. Learned counsel thus submits that victim, very clearly in her statement recorded under Section 164



Cr.P.C, has stated that petitioner committed rape. Learned counsel also disputes the submission of the learned counsel appearing on behalf of the petitioner that victim had withdrawn an amount of Rs. 10,000/- and Rs. 5,000/- from an A.T.M at Muzaffarpur and Ranchi.

7. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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