

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65302 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- GHORASAHAN District- East
Champaran

=====

Guddu Kumar S/o- Sukeshwar Rai Village- Jamuniya , P.S- Jharokhar ,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fatma Khatun wife of Jahur Ansari Village- Vishunpur Damar Chauk P.S.-
Jharokhar Dist- East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the State	:	Mr. Jai Narain Thakur, APP
For the O.P. No.2	:	Mr. Vijay Shankar Shrivastav, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-12-2024 Heard Mr. Ajay Kumar Singh, learned counsel for

the Petitioner, Mr. Vijay Shankar Shrivastav, learned counsel for

the O.P. No.2 and Mr. Jai Narain Thakur, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Ghorasahan (Jharokhar) P.S. Case No. 168 of 2024 dated
30.03.2024 registered for the offences punishable under
Sections 363 and 366-A read with Section 34 of the Indian
Penal Code.

3. As per the prosecution story, the informant alleged
that on 21.03.2024, her minor daughter was taken away by the
petitioner, Guddu Kumar and he kept her in his house for four



days and forcibly established physical relationship with her. The informant further alleged that she came to know about it on 28.03.2024 and recovered her daughter with the help of other villagers.

4. The main submissions advanced by learned counsel appearing for the petitioner are that the allegations levelled in the FIR against the petitioner are false, in fact, there was love affair in between the petitioner and the informant's daughter and the alleged occurrence is said to have taken place on 21.03.2024 but the FIR was lodged on 30.03.2024 after the delay of nine days regarding which, no proper explanation was given and the FIR was lodged at the instance of victim's mother, though the so-called victim made allegations against the petitioner in her statement recorded under Section 164 of Cr.P.C. but she recorded her statement under the pressure of her mother and other parental relatives. It is further submitted that as per the medical opinion, the victim's age is between 18 to 19 years and during the investigation, no documentary evidence with regard to the victim's age has been given so far and there is serious contradictions in between the facts of the FIR and the allegations levelled by the victim before the Judicial Magistrate.

5. On the other hand, learned counsel appearing for the



O.P. No.2 vehemently opposed the bail prayer of the petitioner and submitted that during investigation, the investigating officer got the birth certificate of the victim from the informant and the same was submitted before the trial court and according to that certificate, the victim's date of birth is 11.08.2008 which is sufficient to show the victim's age being below the eighteen years at the time of occurrence and it is an admitted position that the victim was recovered from the house of the petitioner.

6. Considering the seriousness of the allegations appearing against the petitioner from the statement of the victim recorded by her before the Judicial Magistrate and also taking into account, the recovery of the victim from the house of the petitioner as stated above, in my opinion, it is not a fit case for anticipatory bail to the petitioner, accordingly, his prayer stands rejected.

(Shailendra Singh, J)

maynaz/-

U		T	
---	--	---	--

