

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64584 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- RAJPUR District- Buxar

Shamshad Ansari @ Shamshad Alam Son of Nayamuddin Ansari @
Naimuddin Ansari Resident of Village- Khiri, P.S.- Rajpur, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner apprehends his arrest in connection
with Rajpur P.S. Case No. 196 of 2024 registered for the
offences punishable under Sections 341, 342, 323, 307, 366,
354(A), 354(C) 354(D), 509, 504, 506, 120(B) and 34 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that she was going by an Auto for appearing in the exam, when
her cousin, Rohit, called her and said that he is also going for
the same examination, hence, to leave the Auto and to
accompany him on his motorcycle, hence, she deboarded from
the Auto and was about to sit on the bike with Rohit, when an



unknown boy from her village came on a motorcycle whom she can identify on seeing and started talking indecently and was also making video and forcibly uncovered her mask and started assaulting Rohit and forced her to sit with him on the motorcycle, informant out of fear sat with the unknown boy with a view to save Rohit from assault, further alleges that a white Scorpio came and the unknown boy stopped the motorcycle, it is next alleged that in the Scorpio, Gajar, Gulab and Wazid were sitting and all the three came out and forcibly made her sit in the Scorpio and thereafter all the four accused asked her to make illicit physical relation and Gajar on point of pistol asked her to remain silent and pulled her scarf, while Wazid pressed her neck and assaulted with fist, thereafter, they took the car in a barn, while the unknown boy on phone was calling someone, who refused to come and told them to release her, thereafter, Gulab and unknown boy dropped her at the examination center at 10:40 AM on motorcycle, further, somehow she appeared in the exam.

4. Learned counsel for the petitioner submits that petitioner has not been named in the FIR. It is also submitted that the name of the petitioner transpired in the statement of Rohit, who disclosed that the unknown boy who had assaulted



him was the petitioner. It is also submitted that the only allegation against this petitioner is of intercepting Rohit and the victim and thereafter he is alleged to have assaulted Rohit and was making video of the victim and pulled her scarf and thereafter made her sit on his motorcycle, it is next submitted that the petitioner along with Gulab also dropped the victim to her examination center.

5. Learned A.P.P. for the State, Mr. Rabindra Kumar, opposes the prayer for anticipatory bail of the petitioner and submits that the victim was not knowing the petitioner by name, but was able to recognize him, since he was from the same village. It is also submitted that the statement of the victim had been recorded under Section 164 Cr.P.C., as has been recorded in the order impugned. It is further submitted that the order impugned records that the victim, in her statement recorded under Section 164 Cr.P.C, has consistently stated that all the accused touched her inappropriately and attempted to commit rape and also assaulted her and made her video and also threatened to viral the video. It is next submitted that investigation of the case is in its nascent stages and if the privilege of anticipatory bail is granted to the petitioner, he may abscond and tamper with the evidence.



6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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