

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71641 of 2023

Arising Out of PS. Case No.-386 Year-2022 Thana- BARAULI District- Gopalganj

MUSTAFA ANSARI Son of Late Jamadar Ansari Resident of Village-Chhota Barheya, P.S.-Barauli, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam
For the Opposite Party/s	:	Mr. Anand Bardhan
For the State	:	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 19-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.
2. This application, for grant of anticipatory bail, arises out of Barauli Police Station Case No. 386 of 2022, dated 20.10.2022, disclosing offences under Sections 366-A/368/120-B/376/34 of the Indian Penal Code.
3. The prosecution case, as per the complaint-cum-First Information Report, on 11.03.2022, the petitioner, alongwith other accused persons, abducted/kidnapped the daughter of the informant with intention to perform her marriage with the accused no. 1.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case



merely on the basis of the fact that he happens to be the father of the accused no. 1. The negotiation of marriage of the accused no. 1 with the victim girl had taken place, but could not be finalized, as such, the present complaint-cum-FIR has been lodged on concocted story. Learned counsel, referring to the statement made by the informant in the complaint, submits that the victim, alongwith other accused persons, reached Jaipur on 13.03.2022 and from there she was taken to Jammu on 23.03.2022, where the accused persons forcibly solemnized her marriage with Imran Ansari-accused no. 1 i.e. petitioner's son. The accused no. 1 sexually exploited the informant for 15 days and other accused persons assaulted and threatened the victim of her life. On 14.07.2022, the accused persons dropped the informant's daughter-victim girl near Barauli Police Station and on 15.07.2022, information was given to local police station, but no action was taken by the police.

5. Thereafter, the complainant-informant filed a complaint before the learned Chief Judicial Magistrate, Gopalganj, on 23.09.2022. Thus, the submission of the petitioner is that for about more than 4 months, from the date of



alleged kidnapping of the informant's daughter, no effort was made by the informant to lodge complaint/FIR. Even after the victim girl came back from Jammu on 14.07.2022, the complaint has been filed for the first time after two months on 23.09.2022, that too without any supporting affidavit.

6. Learned counsel further submits that on the basis of allegation, at best, offence against the petitioner, who happens to be the father of the accused no. 1, is under Section 366-A of the Indian Penal Code. There is no allegation of sexual assault against the petitioner and inordinate delay in lodging the complaint-cum-FIR gives rise to suspicion regarding the veracity and truthfulness of the allegation made in the complaint. He next submits that doctor has assessed the age of the victim girl to be 18-19 years.
7. On the other hand, learned counsel for the informant-complainant vehemently opposes the prayer for bail and submits that the petitioner, alongwith other accused persons, administered sedative to the victim girl, kidnapped her and forcibly married her to the petitioner's son.



8. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the complaint is not supported by any affidavit, there is inordinate delay in lodging of the complaint-FIR, further there is no allegation of sexual assault against the petitioner, who happens to be the father of the accused no. 1 and the doctor has assessed the age of victim girl to be 18-19 years, I am inclined to grant the petitioner privilege of anticipatory bail.

9. This application is, accordingly, allowed.

10. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, PCOSO, Gopalganj, in connection with Barauli Police Station Case No. 386 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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