

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69910 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- BAJPATTI District- Sitamarhi

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Vipin Rai @ Vipin Kumar S/O Khehru Rai @ Ramashray Rai R/O Village-
Kishori Narha, P.S.- Bajapatti, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Kasim, Son of Md. Mushlim, R/o Babu Narha, P.S. - Bajpatti, Distt. - Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 27-02-2024 1. Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the informant.
2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Bajpatti P.S. Case No. 43 of 2023, registered for the offences punishable under Section 366 of the Indian Penal Code.
3. The allegation against above named petitioner is to kidnap the minor daughter of informant, aged about 15 years for compelling to solemnize marriage against her will.
4. Learned counsel appearing on behalf of the



petitioner submitted that as love affairs of petitioner with victim girl was not accepted by her father/informant, the present false case was lodged. It is submitted that out of said love affairs, petitioner solemnized marriage with the daughter of informant and visited several place of the country, which is evident from the photographs as annexed as Annexure-3 series. It is further submitted that daughter of informant stated her age as 20 years while solemnizing marriage with petitioner as per hindu rites and rituals, for which an affidavit was executed, which was duly notarized. It is also submitted that after recovery of victim girl, the statement of victim was recorded under Section 164 of Cr.P.C., where under the influence of her father/informant, victim alleged against petitioner as to commit rape upon her alongwith his friends on several occasions at Kathmandu. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that victim categorically stated that petitioner alongwith his friends committed penetrative sexual assault/rape after putting her in confinement at unknown place of Kathmandu.



6. Considering the aforesaid facts and circumstances and by taking note of statement of victim, who specifically alleged petitioner as to commit rape/penetrative sexual assault upon her through her statement recorded under Section 164 of Cr.P.C., accordingly, the prayer of anticipatory bail of petitioner is rejected herewith.

(Chandra Shekhar Jha, J)

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