

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4637 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- KHAJANCHI HAT District- Purnia

Md. Khawaeesh @ Md. Khwaiesh S/o Md. Shamsheer R/o of Vill.- Bari
Bathna Ward No .12, P.S.- Mansahi, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari Wife of Sri Rajendra Singh Resident of Village- Govindpur,
P.S.- Rautara, Distt.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of K. Hat P.S. Case No. 376 of 2024 registered for the offence under Sections 137(1), 140(3), 96 and 3(5) of the Bharatiya Nyaya Sanhita.

3. The prosecution case, as per the First Information Report, informant's daughter aged about 16 years was residing in a girl's hostel and used to attend the nearby coaching classes. On 25.07.2024 at about 07:00 a.m, she went to attend coaching, after which the mobile number of the informant's daughter



started showing switched off. It is further alleged that like everyday, the informant's daughter used to talk to her at 11:00 a:m, but even after 11:00 a:m her daughter's mobile was shown switched off. Again, informant contacted Varun Kumar, the son of the hostel owner at about 06:30 P:M, she was informed that her daughter has not returned to the hostel room. Thereafter, informant and her husband came to hostel and inquired from their daughter's friends and found out that their minor daughter has been kidnapped by the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that he has no concern with the said occurrence and allegation against him is general and omnibus.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Having heard learned counsel for the parties and perused the impugned order, it appears that statement of the victim girl, aged about 16 years, was recorded under Section 164 Cr.P.C., in which she has stated when she came out from her hostel, she was kidnapped by the petitioner and the petitioner established forcible physical relationship with her. Considering the statement of the victim girl recorded under Section 164 Cr.P.C.



and the fact that the victim girl is minor, I am not inclined to grant the privilege of anticipatory bail to petitioner.

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

(Anil Kumar Sinha, J)

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