

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67763 of 2024

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

Md. Guddu, son of Md. Salim @ Mohammad Salim R/O Vill.- Bacho Patti
Babu Narha, P.S.- Bahpatti, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar Mishra, Advocate
For the State	:	Mr.Syed Mojibur Rahman, APP
For the Informant	:	Mr.Santosh Kumar, Advocate
		Md. Mobassar Ali, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-01-2025 Heard learned counsel appearing on behalf of the

petitioner, learned Additional Public Prosecutor for the State

and learned counsel for the informant.

2. The accused/petitioner is not 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, and compelled to solemnize marriage against her will.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner was not in love affairs



with the daughter of the informant, rather Vipin Rai and informant's daughter were in love affairs, which was not accepted by the informant, therefore, the present false case was lodged. It is submitted that out of said love affairs, said Vipin Rai 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 co-accused Vipin Rai as per hindu rites and rituals. 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 had taken the name of the 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 A.P.P. for the State 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. Learned A.P.P. submitted that anticipatory bail of co-accused Vipin Rai @ Vipin Kumar was rejected by this Court through Cr. Misc. No. 69910 of 2023 dated 27.02.2024.

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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