

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82667 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- MAHILA PS District- Darbhanga

JITENDRA KUMAR SAHU S/O VINOD SAHU Resident of Village -Atahar,
Ward No.- 02, Police Station- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sobha Devi W/O Kishun Sahu Resident of Village -Atahar, Ward No.- 02,
Police Station- Baheri, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Adv.
For the State	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Mr. Amit Kumar Singh, Adv. Mr. Sumit Kumar Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 09-07-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 69 of 2024 registered for the offences punishable under Sections 376, 323, 34 and 366(A) of the Indian Penal Code, Section 3/4 of the POCSO Act, 2012 and Section 67 of the I.T. Act.

3. The allegation in the FIR is that informant's daughter aged about 14 years has been kidnapped by the petitioner and he was forcibly taking her towards an unknown forest area and when the family members tried to find out, they were also assaulted and a *panchayati* was convened on 16.06.2024 when



the victim girl came in a very scared condition and narrated the story that she had been raped on the point of pistol and her vulgar video has been made by the petitioner which has also been uploaded on the Facebook. The further allegation is that she was even being threatened.

4. Learned counsel for the petitioner, at the outset, submits that the FIR, as would appear from the bare perusal of the same, has been lodged after a delay as the same has been lodged even after the *panchayati* was held on 16.06.2024. It is further submitted that there is no evidence of any Facebook upload of any video of the victim girl. It is also submitted that although the records reveal that the victim girl was subjected to medical examination, there is no medical report on record. However, as per the medical examination which has been referred to in the supervision note, the age of the victim girl is about 16-17 years. It is next submitted that there is some discrepancy in the FIR and the statement of the victim recorded under Section 183 of the BNSS, 2023.

5. Learned APP for the State and learned counsel appearing for the informant, however, vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the statement of the victim girl has been recorded



under Section 183 of the BNSS in which she has completely supported the story of her being subjected to rape on gun point and also of uploading her photos and videos on the Facebook. The age of the victim girl has also been assessed as 14 years and her educational certificates would also show that she is a minor girl aged about 14 years which has also been substantiated during the course of investigation. It has also been brought to the knowledge of this Court that the process under Section 82 Cr.P.C. has also been executed against the petitioner which would be apparent from paragraph 133 of the case diary.

6. Taking the rival contentions into consideration and also considering the statement of the victim girl recorded under Section 183 of the BNSS, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Soni Shrivastava, J)

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