

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86874 of 2024

Arising Out of PS. Case No.-737 Year-2024 Thana- GAYA MUFASIL District- Gaya

Sourabh Bharti Son of Binod Giri R/O- Village-Bhusunda Balapar, Bhadeja, P.S.- Muffasil, Distt.- Gaya and at present Village- Bahaudi Bigha, P.S.- Karai Parsurai, Distt.-Nalanda at Biharsharif

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tara Devi Wife of Ravi Vishwakarma Resident of Village- Bhusunda Balapar, P.S.- Muffasil, Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh
For the State	:	Mr. Mohammed Arif
For the O.P. No. 2	:	Mr. Ujjawal Kumar Singh
		Mr. Pankaj Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 24-07-2025 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 137(2) and 87 of the B.N.S.

3. Allegation in the first information report is that the petitioner, who is the husband of the informant's daughter Rajini Devi, took her minor daughter for a drive and switched off her mobile and even gave threatening that he would kill her family members.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case of kidnapping of the victim, who happens to be his own sister-in-law. The real fact of the matter is that since there is a matrimonial discord between the petitioner and his wife who is the elder sister of the present victim and the elder daughter of the informant, the petitioner is being falsely implicated in one of the other cases besides, a case under Section 498A of the IPC. It has been specifically submitted that the petitioner has been made accused in four other cases and in all the four cases, the informant is either his mother-in-law or his wife. It is next submitted that the age of the victim has also been assessed to be between 18 to 19 years and neither there is any specific assertion of any sexual activity done with her nor the medical evidence shows any recent signs of any sexual intercourse or any injury on the person of the victim.

5. Learned counsel for the opposite party no. 2, however, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has forcefully taken away the minor daughter of the informant and after recovery the statement of the victim girl has also been recorded under Section 183 of the BNSS wherein she has supported the fact that she had been forcibly taken away by the petitioner and was



taken to Delhi where force was exerted upon her besides even threatening her and in such view of the matter, the petitioner does not deserve the privilege of anticipatory bail.

6. In response to such submission, it has been submitted that the victim was also examined by the police under Section 180 of the BNSS wherein she has given a different statement of her leaving the house on her own volition in anger.

7. Taking the rival contentions into consideration and basically considering the statement of the victim girl under Section 183 of the BNSS, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Gaya Muffasil P.S. Case No. 737 of 2024.

(Soni Shrivastava, J)

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