IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50230 of 2026

CNR No. BRHC010693592026

Arising Out of PS. Case No.-215 Year-2022 Thana- BARAULI District- Gopalganj

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SAKET KUMAR @ BHULAN S/O LATE HARINATH MAHTO R/O VILL.- KOTWA, P.S.- BARAULI, DIST- GOPALGANJ

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Mr. X Informant

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Devashish Giri, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

5 20-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application for anticipatory bail arises out of Barauli P.S. Case No. 215 of 2022 for the offence punishable under Section 366(A) of the Indian Penal Code.

3. As per the allegation, on 23.05.2022, the sister of the informant was found missing from the house. When her mobile phone was checked, the informant found that there were repeated calls from this petitioner and co-accused Shribhagwan Singh, on her mobile phone. It has further been alleged that the aforesaid persons had kidnapped his sister.

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4. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It has further been submitted that the petitioner and the victim sister of the informant were in love and she wilfully joined the company of this petitioner. It has further been submitted, referring to the statement of the victim girl recorded under Section 164 Cr.P.C., that the victim is a major woman and her statements recorded under Section 161 Cr.P.C., as also under Section 164 Cr.P.C. are quite contradictory to each other and do not inspire confidence. It has further been submitted that in the connected trial of co-accused persons, victim has not supported her statement recorded under Section 161 Cr.P.C. It has further been submitted that the F.I.R. was lodged after a delay of about 20 days. It has further been submitted referring to the judgment of the Hon'ble Supreme Court in the case of **Shri Gurbaksh Singh Sibbia and Others vs. State of Punjab** as reported in **(1980) 2 SCC 565**, has referred to paragraph-38 of the said judgment, as well as the judgment rendered in the case of **Ravindra Saxena vs. State of Rajasthan** reported in **(2010) 1 SCC 684**, and has submitted that an application of anticipatory bail is maintainable so long as the applicant has not been arrested. It has lastly been submitted that the petitioner has no criminal antecedentd.

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5. Learned counsel for the State has vehemently opposed the prayer of anticipatory bail of the petitioner.

6. Heard the parties and perused the record.

7. The case was registered in the year 2022, the victim in her statement recorded under Section 164 Cr.P.C., has stated that although she has been on talking terms with this petitioner for the last four years but when the petitioner told her to flee from the house, she flatly refused, two days thereafter, the petitioner came and took her on motorcycle, and she was confined in brick kiln for seven days, whereafter, he forcibly committed sexual assault upon her and assaulted her with knife, injuring her. She was allegedly taken to different places and confined, and a demand for money was made. Somehow, she returned to her house and she apprehended that her photographs would be made viral on the social media, paragraph-8 of **Ravindra Saxena vs. State of Rajasthan** (supra) clearly indicates that when an application is made to the High Court or the Sessions Court, it must apply its own mind to the question and decide whether a case is made out for granting such relief. Considering the facts and circumstances of the case, as well as the serious nature of the allegations against the petitioner, as alleged by the victim, this Court is not inclined to grant

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anticipatory bail to the petitioner.

8. Accordingly, the same is hereby dismissed.

(Praveen Kumar, J)

Abdus/-

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