

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39325 of 2014

Arising Out of PS.Case No. -27 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

- =====
1. Hira Lal Paswan
 2. Shambhu Paswan, both sons of Brahmdeo Paswan, R/o Village-Murraha, P.S. Hasanpur, Distt. Samastipur.
 3. Mohan Paswan, son of Sidheshwar Paswan, Resident of village Khanjapur, cheriya Bariyarpur, Distt. Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-03-2015

Heard learned counsel for the petitioners. Nobody appears on behalf of the State.

Petitioners apprehend their arrest in connection with Hasanpur P.S. case no. 27 of 2014 instituted under Sections 366 and 366A/34 of the Indian Penal Code.

The First Information Report was lodged by the father alleging that his daughter Aarti Kumari was forcibly kidnapped by the petitioners and their family members. The entire family members have been named as accuseds in the F.I.R.

The counsel for the petitioners has drawn attention of the Court to the statement of the girl made under Section 164 of the Cr. P.C. wherein she has named, Ajit Paswan, Hiralal Paswan

as the accused persons who had forcibly kidnapped her and subsequently one of them sexually assaulted her. Taking into account the statement which the victim girl made, wherein the petitioners No.2, Shambhu Paswan and petitioner no.3 Mohan Paswan have not been named they deserve to be released on anticipatory bail.

In view of the above, let the petitioner nos. 2 and 3, namely Shambhu Paswan and Mohan Paswan respectively, in the event of their arrest/surrender within four weeks from today before the Court below be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Rosera, District Samastipur in connection with Hasanpur P.S. case no. 27 of 2014, subject to the conditions as laid down under section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family members of the petitioners.
- (ii) As soon as the charges are framed, the petitioners shall appear in person before the trial Court on the date(s)



fixed at the trial. In case of default in such appearance on two consecutive dates, trial court shall have the liberty to cancel their bail bonds and secure their arrest in accordance with law.

So far as the petitioner no.1, namely, Hira Lal Paswan is concerned, his prayer for anticipatory bail is dismissed as withdrawn.

(Kishore Kumar Mandal, J)

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