

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42249 of 2015

Arising Out of PS.Case No. -69 Year- 2014 Thana -DUMARIA District- GAYA

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1. Yugesh Paswan
 2. Navin @ Navin Paswan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudheshwar Singh

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-10-2015 Heard the learned counsel for the petitioners. Heard the learned A.P.P. also.

The petitioners, (1) Yugesh Paswan (2) Navin @ Navin Paswan, apprehends their arrest in Dumaria P.S. Case No.69 of 2014 registered for the offence punishable under Sections 365, 366 A, 34 of the IPC.

The learned counsel for the petitioners submitted that the petitioners have been falsely implicated because earlier a counter case was filed by the petitioner No.1 against the informant that the informant was demanding rangdari from the petitioner. In fact the wife of petitioner No.1 has also filed an application before the Sr. S.P., Gaya alleging that in fact the petitioners have been implicated and, therefore, requested to enquire into the matter. According to the learned counsel because of enmity, the petitioners have been falsely implicated.

On the other hand, the learned A.P.P. vehemently opposed the prayer for anticipatory and submitted that the daughter of the informant was recovered after five days and her statement under Section 164 Cr.P.C. was recorded by the police wherein she specifically stated that these two petitioners including the other co-accused kidnapped her forcibly and took her away to Chennai where she was being forcibly raped by the accused persons. The statement of the girl under Section 164 Cr.P.C. is Annexure '1'. According to the learned A.P.P. in view of the statement of the victim girl who is aged about 16 years, it is a case under Section 376 (g).

It appears that the FIR was lodged by the informant against unknown person. However, subsequently, the daughter of the informant be recovered and 164 Cr.P.C. statement of the daughter of the informant has been annexed. From perusal of the same, there is clear allegation against this petitioner that they kidnapped the daughter of the informant aged about 16 years and took her away to Chennai where they committed rape on her.

In view of the above facts, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is hereby rejected.

Sanjeev/-

(Mungeshwar Sahoo, J)

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