

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41079 of 2016

Arising Out of PS.Case No. -21 Year- 2014 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mukindar Paswan son of Rajeshwar Paswan resident of Village-Baltharwa, P.S.- Piprakothi, District- East Champaran.
 2. Suban Paswan son of Late Vishwanath Paswan
 3. Shyam Sundari Devi w/o of Suban Paswan Both residents of Village-Siswania Pokhara, P.S.- Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-11-2016 Heard both sides.

The petitioners apprehend their arrest in Ramgarhwa P.S. Case No. 21/2014, registered for the offences punishable under Sections 376, 372, 363A and 120B of the Indian Penal Code.

The informant filed Complaint Case No. 462/2013 on the basis of which the present F.I.R. was lodged, wherein the informant alleged that the accused persons after hatching up a conspiracy kidnapped his minor daughter.

Learned counsel for the petitioners submits that the occurrence took place on 21.10.2013, but the complaint was filed



on 12.11.2013 and the F.I.R. was lodged on 21.01.2014. The informant made allegation against Ajit Paswan and Mukindar Paswan, but no specific allegation is made against Suban Paswan petitioner no. 2 and Shyam Sundari Devi petitioner no. 3. The victim made her statement under Section 164 Cr. P.C. and she disclosed her age to be 15 years. She did not make any specific allegation against Suban Paswan petitioner no. 2 and Shyam Sundari Devi petitioner no. 3. She made allegation against Ajit and Mukindar Paswan that they kidnapped her and also committed rape with her.

Considering the facts aforesaid, I am not inclined to enlarge Mukindar Paswan petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Suban Paswan petitioner no. 2 and Shyam Sundari Devi petitioner no. 3 is concerned, they are of course named in the F.I.R., but the victim did not make any specific allegation against them, they are in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, East

Champan at Motihari in connection with Ramgarhwa P.S. Case
No. 21/2014, subject to the conditions as laid down under Section
438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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