

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26918 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Sushila Devi, W/o Umesh Paswan
 2. Sidhant Kumar, S/o Umesh Paswan
 3. Mahesh Paswan, S/o Late Ram Chandra Paswan
 4. Avinash Paswan, S/o Naresh Paswan

All residents of Village-Desari, P.S.- Desari, Distt.- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Roy-1, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 27-09-2016 Learned counsel for the petitioners has filed a supplementary affidavit correcting the name of Petitioner Nos.1 and 2, stating that Petitioner No.1 Sushila Devi is the wife of Umesh Paswan and not Umesh Mahto. Similarly, Petitioner No.2 Sidhant Kumar is the son of Umesh Paswan and not Umesh Mahto, as described in the main application. Learned counsel has also filed a fresh *Vakalatnama* with the corrected name. As such, let the name be corrected in tune with the supplementary affidavit filed on behalf of Petitioner Nos.1 and 2.

Heard learned counsel for Petitioner No.1, Sushila Devi, and Petitioner No.2, Sidhant Kumar, and the learned

counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Desari P.S. Case No.74 of 2016 registered for the offences under Sections 366A and 365 of the Indian Penal Code.

After hearing the learned counsel for the petitioners, it appears that there is no direct allegation against these two petitioners and the only allegation is against one Hemant Paswan, who is said to have kidnapped the victim girl, namely, Kajal Kumari. It is further submitted that the victim girl in her statement made under Section 164 Cr.P.C. has stated that she was not kidnapped; rather she had gone to the house of her *Nani*.

In view of such submissions and also because of the fact that there is no direct allegation against the present petitioners, let Petitioner No.1 Sushila Devi and Petitioner No.2. Sidhant Kumar, 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Aditya Pandey, Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with Desari P.S. Case No.74 of 2016,

subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anjana Mishra, J)

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