

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6968 of 2017

Arising Out of PS.Case No. -235 Year- 2015 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Harikesh Paswan Son of Birendra Paswan, Resident of Village-Khairi Jagir,
Police Station-Pipra, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 23-02-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Pipra P.S. Case No. 235 of 2015 for the offences punishable under sections 366 (A) and 34 of the I.P.C.

Allegedly, the petitioner and other co-accused kidnapped the daughter of the informant aged about 15 years. During investigation the statement of the victim girl was recorded under section 164 of the Cr.P.C. wherein she has supported regarding her kidnapping by the petitioner and others and further has stated that after knowing about the case the petitioner brought and left her at Pipra.

Submission is of false implication and that the victim



girl has written love letters to the petitioner, those letters are Annexure-2, after reading those letters it reveals that the victim girl went out on her own sweet will and as such the petitioner deserves sympathetic consideration as nothing specific has been alleged in the statement of the victim girl recorded under section 164 of the Cr.P.C.

The learned A.P.P submits that the victim girl has stated her age as 16 years in her statement recorded under section 164 of the Cr.P.C and has stated the name of the petitioner that he and others kidnapped her and kept her at Ahamdabad and after knowing about the case the petitioner brought and left her at Pipra.

In the facts and circumstances as stated above, considering the allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. East Champaran at Motihari.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order preferably on the same day.

(Jitendra Mohan Sharma, J)

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