

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4380 of 2017

Arising Out of PS.Case No. -146 Year- 2014 Thana -KAKO District- JEHANABAD

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1. Rajesh Paswan, son of Gulab Chand Paswan, resident of village - Kazi,
Daulatpur, P.S. Kako, District - Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. I. S. Dwivedi, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 18-03-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Kako P.S.
Case No.146 of 2014 instituted for the offence under Section(s)
366-A/34 Indian Penal Code pending in the Court of the
Additional Chief Judicial Magistrate, 4th, Jehanabad.

It is alleged that the daughter of the informant had
gone to Sun Temple on 27.07.2014 at 8.00 AM, but she did not
return. The informant was in jail from 29.06.2014 to 07.08.2014
and his wife was alone in the house and, so, no case could be
lodged earlier. The informant after coming out from the jail on
07.08.2014, made search of his daughter but could not get any
trace. The informant suspected that his daughter has been
kidnapped by this petitioner and other accused persons. Age of



his daughter was 15 years.

It has been submitted on behalf of the petitioner that earlier two accused persons, namely, Banti Kumar and Aftab Alam have been granted bail by co-ordinate benches of this Court by order dated 29.02.2016 passed in Cr. Misc. No.57003 of 2015 and order dated 20.09.2016 passed in Cr. Misc. No.33632 of 2016 respectively.

Learned APP after perusing the case diary has submitted that independent witnesses in para 52, 53, 54 and 55 have specifically stated that the victim was seen going towards Jehanabad on a jeep along with this petitioner and other accused.

From the order passed by co-ordinate Benches of this Court with respect of accused Banti Kumar and Aftab Alam, it appears that there was no reference of the aforesaid paragraphs of the case diary.

As per the case diary, the victim is a minor girl aged about 15 years and she is still traceless.

In view of specific allegation against the petitioner and statement of the witnesses recorded in para 52, 53, 54 and 55 of the case diary that she was seen on jeep going with this petitioner, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner.



Prayer is rejected.

The petitioner may surrender before the Court below
and seek regular bail, which shall be considered and disposed of
on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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