

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35017 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Ratan Has Paswan @ Lalkun Paswan @ Lalkun Kumar Paswan, Son of Suchit Paswan,
2. Abhinandan Paswan Son of Bipat Paswan,
3. Shiv Kumar Paswan @ Shivra Son of Shankar Paswan, All R/o Village- Barsam, P.S.- Eakhtiyarpur (Balwahat O.P.), District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners, apprehending their arrest in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 69 of 2017 registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code, seek the privilege of pre-arrest bail.

In the First Information Report, there is allegation against the petitioners and other co-accused to have kidnapped the minor daughter of the informant. The victim has been recovered and her statement has been recorded under Section 164 of the Code of Criminal Procedure wherein she has stated that she was not kidnapped rather she went to Amritsar herself for tour.



Nothing untoward incident has happened with her and she does not want to marry and she is a student of Class IX.

Submission is of false implication and that no offence as alleged is made out against the petitioners. The informant has falsely alleged in the First Information Report and real fact has come in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The victim has stated her age 17 years and the learned Magistrate has also assessed her age 17 years and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that in the First Information Report there is allegation against the petitioners.

In the facts and circumstances as stated above, considering the statement of the victim girl recorded under Section 164 Cr.P.C., the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur (Balwahat



O.P.) P.S. Case No. 69 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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