

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26455 of 2018

Arising Out of PS.Case No. -197 Year- 2017 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Pankaj Kumar Pandav, Son of Sudhir Paswan,
2. Mithun @ Mithlesh Paswan, Son of Sudhir Paswan.
3. Sudhir Paswan, Son of Late Kesho Paswan. All resident of Village
Samda, Police Station- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Masomat Sitabiya Devi, Wife of Late Karam Lal Paswan, Resident of
Village- Samada, Police Station- Sour Bazar, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State as also learned counsel for the complainant
has also appeared suo-motu.

The petitioners seek pre-arrest bail in connection
with Complaint Case No. 197-C of 2017 registered under sections
365 and 506 of the Indian Penal Code.

It has been submitted by the learned counsel for the
petitioner that there is no truth behind the allegation that the
petitioners took away the son of the complainant on 05.01.2012
and since then he is missing. It is submitted that there is
inordinate delay of more than four years in instituting the



complaint for which the explanation, which has been given in the complaint, is not believable.

On the other hand, learned counsel for the complainant vehemently opposes the application for grant of pre-arrest bail. He submitted that the wife of the victim has also conspired together with these petitioners and since 05.10.2012 when the son of the complainant was taken up by them, his whereabouts are not known.

Considering the long delay in institution of the complaint, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saharsa in connection with Complaint Case No. 197-C of 2017, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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