

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27216 of 2018

Arising Out of PS.Case No. -279 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Pawan Devi, W/o Lalit Paswan,
 2. Rohit Paswan, S/o Lalit Paswan,
 3. Mintu Paswan, S/o Basu Paswan.
 4. Munni Devi, W/o Mintu Paswan.
 5. Manish Paswan, S/o Mintu Paswan, All resident of Village- Ufraul,
P.S.- Desari, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-05-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 365 and 366A of the Indian Penal Code.

The prosecution case as per the written report of Pramod Kumar Singh dated 28.11.2017 submitted to the Station House Officer, Desari P.S. is to the effect that the informant's daughter aged about 13 years, Student of Class IX went to Middle School, Ufraul on 21.11.2017, but on the way she was kidnapped by Rohan Sharma with assistance of his



family members. Earlier also Rohan Paswan had kidnapped the daughter of the informant but on social pressure he had released the victim. It is further alleged that the informant went to the house of Lalit Paswan to enquire about the occurrence then the family members of Lalit Paswan threatened to implicate the informant in a case under SC/ST (Prevention of Atrocities) Act.

It is submitted by learned counsel for the petitioner that for the occurrence of 21.11.2017 the written report was submitted on 28.11.2017. The victim in her statement recorded under Section 164 Cr.P.C. got her age recorded as 15 years, whereas the Court has assessed her age as 16 years, where she has stated that she was in love with Rohan Paswan, but since she apprehended threat to her life by her father, she went to Hajipur. Rohan Paswan has falsely been implicated in the present case. In 164 Cr.P.C. statement the victim has not whispered a single word against the petitioners. The petitioners have falsely been implicated since they happen to be mother, brother, uncle, aunt and nephew of Rohan Paswan. The victim girl has also submitted application before S.P., Vaishali stating that her father has lodged the present case with malicious accusation and informatory petition has also been filed on behalf of Mohit Paswan with regard to false implication.



Learned APP, however, submits that the petitioners are named in the FIR.

Considering the thrust of accusation against Rohan Paswan and the fact that the victim has not named these petitioners in her statement recorded under Section 164 Cr.P.C., let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 279 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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