

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23171 of 2018

Arising Out of PS.Case No. -1723 Year- 2017 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Pintu Paswan S/o Monarika Paswan, R/o Vill.- Supabigha, P.S.- Akorhi
Gola, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for
the offences punishable under Sections 366(A)/34 of the IPC

The prosecution case as per the written report of Santosh
Paswan dated 20.11.2017 is to the effect that Pinki Kumari, the
daughter of the informant, aged 12 years has gone missing since
09.11.2017. The informant tried his best to trace his daughter at his
level, but he could not succeed. Thereafter, he received a call from
someone, who disclosed his name as Neeraj Kumar and conveyed
that the victim is with him and thereafter the informant asked the
caller, to get him talk to his daughter, upon which the informant's
daughter conveyed that she does not know where she has been kept
and she stated weeping. The informant then traced and found out the



details Neeraj Kumar and he came to know that Neeraj Kumar is the relation of his neighbour and he has been residing with his sister Sotni Devi since his childhood, and when the informant talked to the family members of Neeraj, they assured to call him back but even after 5-6 days, the informant's daughter has not returned.

The learned counsel for the petitioner submits that the petitioner is the elder brother of co-accused Neeraj and that the petitioner is engaged in a private firm at Bangalore since several years and that he has been named as an accused only because he is the elder brother of Neeraj. It is further submitted that the victim has not even taken the name of this petitioner in her statement recorded under Section 164 Cr.P.C. and moreover, she has made no complaint even against Neeraj in her statement under Section 164 Cr.P.C.

It is submitted by learned A.P.P. that the accusation is of kidnapping and fairly submits that the victim has not named this petitioner in her statement under Section 164 Cr.P.C.

Considering the facts aforesaid and the fact that statement under Section 164 has been recorded, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Sasaram (Mufassil) P.S. Case No.1723



of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Sanjeev/-

(Dinesh Kumar Singh, J)

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