

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54868 of 2017

Arising Out of PS.Case No. -420 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ravi Paswan, S/o Balister Paswan.
 2. Balister Paswan, S/o Rajendra Paswan, Both R/o Village- Tikulia,
P.S.- Motihari, Mufassil, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Smt. Rita Verma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Mufassil P.S. Case No. 420 of 2017, registered for the
offence punishable under Section 366A/34 of the Indian Penal
Code.

Allegedly, Heena Khatoon minor daughter of the
informant was kidnapped by the petitioners and taken away on
motorcycle. During investigation the statement of Heena Khatoon
was recorded under Section 164 of the Cr.P.C. wherein she has
supported the allegation of kidnapping and further the petitioner
no. 1 committed rape with her also.



Submission is of false implication and that as a matter of fact the victim girl was in love affair with petitioner no.1 and she went out of her own will. During investigation, witnesses have stated otherwise. The petitioner no. 2 is the father of petitioner no.1 and it is not possible that both father and son will kidnap a girl. There was panchayati also in the village and, as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the victim in her statement recorded under Section 164 Cr.P.C. has supported the allegation of kidnapping by the petitioner and further that the petitioner no.1 committed rape with her.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Muffassil P.S. Case No. 420 of 2017, pending in the Court of learned Chief Judicial Magistrate, East Champaran, Motihari.

(Jitendra Mohan Sharma, J.)

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