

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16118 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- BAIRIYA District- West Champaran

1. ARUN PASWAN, Son of Sri Umashankar Paswan
2. Geeta Devi, Wife of Sri Umashankar Paswan
3. Benga Paswan, Son of Late Ganesh Paswan
All Resident of Village - Motipur Bada, P.S.- Bairiya, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Bairiya P.S. Case No. 278 of 2018 registered for the offences punishable under Sections 363, 366A and Section 379 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, the allegation against the petitioners is that they have taken away the minor daughter of the informant with gold ornaments and cash amounting to Rs.10,000/-.

Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this



case. It is further stated that the victim girl was later on recovered and in her statement under Section 164 Cr.P.C. she has not made any allegation against these petitioners.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case that in her own 164 Cr.P.C. statement the victim girl has stated that the petitioner no.1 had actively participated in taking away her, I am not inclined to grant anticipatory bail to the petitioner no.1. His prayer for anticipatory bail on his behalf is refused. In case petitioner no.1 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered by the court below without being prejudiced by the order of this Court.

So far as petitioner nos.2 and 3 are concerned, they are said to be mother and grandfather of the petitioner no.1. Although, it has been stated that the petitioner no.2 had taken her to meet the call of nature and victim girl had accompanied her but then no specific role has been assigned to petitioner no.2 in the overt act of lifting her forcefully. Therefore, this Court is inclined to grant anticipatory bail to the petitioner no.2. There is no specific allegation against petitioner no.3 and, therefore,



privilege of anticipatory bail is also extended to the petitioner nos.2 and 3.

Let, in case of arrest or surrender of the petitioner nos.2 and 3 within a period of four weeks from today, the abovenamed petitioners be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 278 of 2018, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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