

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13987 of 2019

Arising Out of PS. Case No.-58 Year-2018 Thana- PARSAUNI District- Sitamarhi

1. Most. Manju Devi, Wife of Late Umesh Paswan Resident of Village- Parshurampur, P.S.- Parsauni District- Sitamarhi
2. Vinesh Paswan @ Nikesh Paswan, Son of Late Ramrup Paswan Resident of Village- Parshurampur, P.S.- Parsauni, District- Sitamarhi.
3. Babita Devi, Wife of Vikesh Paswan @ Vinesh Paswan Resident of Village- Parshurampur, P.S.- Parsauni District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366A, 376 and 370 of the IPC and Sections 6 and 8 of the Protection of Children from Sexual Offences Act.

The prosecution case got initiated with the filing of Complaint Case No. 993 of 2018, by Raso Devi, which was subsequently got registered as a police case, after the same being transferred under Section 156(3) of the Cr. P.C.

The prosecution case is to the effect that on 02.01.2018, all



the FIR named accused persons including the petitioners kidnapped the daughter of the informant, namely, Punita Kumari, who is aged about 15 years for the purpose of her marriage with co-accused, Srawan Paswan. Subsequently, on information, the police recovered the daughter of the informant, but on 16.01.2018, again all the accused persons including the petitioners kidnapped the daughter of the informant.

It is submitted by learned counsel for the petitioners that in fact, the victim has solemnized marriage with co-accused Srawan Paswan. The thrust of accusation is against co-accused Srawan Paswan. The accusation against the petitioners is omnibus and general. It is further submitted that the victim in her statement, recorded under Section 164 Cr. P.C., got her age recorded as 20 years, whereas Court assessed her age as 16 years, where the victim stated that she on her own married with co-accused Srawan Paswan and she did not name the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

Learned APP submits that the accusation against the petitioners is specific.

Considering the fact that thrust of accusation is against co-accused, Srawan Paswan and the victim in her



statement, recorded under Section 164 Cr. P.C., did not name the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned A.D.J.-1st, Sitamarhi in connection with Parsauni P.S. Case No. 58 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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