

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63978 of 2018**

Arising Out of PS. Case No.-101 Year-2018 Thana- BARBIGHA District- Sheikhpura

1. Ramavatar Paswan Son of late Radhe Paswan Resident of Village Nasibchak, P.S. Barbigha, District- Sheikhpura.
2. Shiv Kumar@ Sukumar@ Pawan @Su Kumar Son of Dhuri Paswan Resident of Village- Ramjanpur, P.S. Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Sri Ram Sumiran Roy

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

5      10-04-2019      Heard learned Counsel for the petitioners and learned APP  
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case got initiated on the basis of written report of Basant Kumar submitted before the Station House Officer, Barbigha Police Station is to the effect that on 11.04.2018 about 6.00 A.M., the informant's 14 years daughter Arti Kumari went out to study, but she went traceless. Thereafter, at 9.00 P.M., the informant received a call on his mobile phone. The caller disclosed his name as co-accused



Jitendra @ Karu and conveyed to the informant that his daughter is with him. Thereafter, the informant came to know that co-accused Jitendra Kumar also used to take coaching at Success Competitive Point where her daughter also enrolled. Moreover, the victim girl was lastly seen in the company of co-accused Jitendra Kumar. The informant also came to know that co-accused Jitendra Kumar in connivance with the petitioners, who are father and brother-in-law of the co-accused Jitendra Kumar has enticed away her daughter for the purpose of marriage.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Jitendra Kumar who is also traceless till date and there is no eye witness to suggest that the petitioners were seen enticing away the victim girl. It is further submitted that the petitioners have falsely been roped in the present case, simply because they happen to be the father and brother-in-law of co-accused Jitendra Kumar. It is further submitted that a statement has been made in paragraph no.3 of the petition that though petitioner no.1 is not having any criminal antecedent, but petitioner no.2 is accused in one other case apart from the present case.

It is submitted by learned APP for the State after going



through the case diary that though there is no eye witness to the occurrence, but the witnesses have suggested that the petitioners might have facilitated the commission of the offence by assisting co-accused Jitendra Kumar.

Considering the thrust of accusation against co-accused Jitendra Kumar, the material on record does not prima facie suggest participation of petitioners in commission of alleged offence, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-I, Sheikhpura, in connection with Barbigha P.S. Case No.101 of 2018, POCSO Case No.12 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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