

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52930 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- ASHTHAWAN District- Nalanda

1. Rajkumar Paswan Son of Shivan Paswan Resident of Village- Maksudpur, P.S.- Asthawan, District- Nalanda.
2. Gunja Kumar @ Prabhakar Son of RajKumar Paswan Resident of Village- Maksudpur, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363, 365, 366A and 504/34 of the Indian Penal Code.

The accusation is of kidnapping the minor daughter of the informant by petitioner no. 2, Gunja Kumar. In statement recorded under Section 164 Cr.P.C., the victim has named petitioner no. 1, who is father of petitioner no. 2.

It is submitted by learned counsel for the petitioners that thrust of accusation is against petitioner no. 2, Gunja Kumar. Though it appears that with consent, the victim left in



company of petitioner no. 2 on her own. It is further submitted that in statement recorded under Section 164 Cr.P.C., the victim has got her age recorded as 17 years when the Court has assessed her age as such and the victim refused to undergo medical examination though she is major. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant and learned APP after going through the case diary submit that the thrust of accusation is against petitioner no. 2 and in statement recorded under Section 164 Cr.P.C., the victim has named petitioner no. 1.

Considering the fact that the thrust of accusation is against petitioner no. 2 coupled with the fact that the petitioners are not having criminal antecedent, let the above named petitioner no. 1 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Biharsharif, Nalanda in connection with Asthawan P.S. Case No. 109 of 2019, subject to the conditions



as laid down under Section 438(2) of the Cr.P.C.

Considering the thrust of accusation against petitioner no. 2, this Court is not inclined to grant anticipatory bail to him. Accordingly, the prayer for anticipatory bail of petitioner no. 2 is rejected.

(Dinesh Kumar Singh, J)

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