

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52076 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- LADANIA District- Madhubani

AMAR KUMAR PASWAN @ AMAR PASWAN Son of Ram Prakash
Paswan Resident of Village- Pathalgara, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-08-2019 Heard both sides.

The petitioner apprehends his arrest in Ladaniya P.S.
Case No.61 of 2019 registered under Sections 366A, 363 and 34
of the Indian Penal Code and Sections 8, 12 and 15 of POCSO
Act.

The father of the victim filed complaint case alleging
therein that on 13.12.2018, the petitioner along with other
accused persons kidnapped his minor daughter.

The learned counsel for the petitioner submits that
occurrence took place on 13.12.2018 but the complaint petition
was filed on 07.02.2019. It is further submitted that victim made
her statement under Section 164 Cr.P.C. that while she had gone
to ease out at 7.00 in the evening on 13.12.2018, Rahul and
Deepak forcibly got her seated in a car and took her to Jainagar.



They dropped her in the house of Amar. Ghuran, Pujan and Ramprakash were also present there. She further disclosed that Amar took her to Ankleshwar, Gujarat on a train and when Amar came to know that case was lodged, he brought her and kept in the house of Ramjivan for about three months. Learned counsel for the petitioner further submits that victim appears to be consenting party. The entire allegation is false and concocted. The victim did not complain any ill treatment at the hands of the petitioner but it appears that victim is a minor girl aged about 12 years. The Court also assessed the age to be 12 years although, the medical report, as has been pointed out, the age of the victim is assessed to be 15 years.

It appears that petitioner took the victim to Gujarat on one pretext and other and kept her confined for a month.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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