

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50611 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- PATORI District- Samastipur

1. AMARNATH PASWAN Son of Dukhran Paswan Resident of Vindgama, P.S.- Patori (Mohanpur O.P.), District- Samastipur
2. Anita Devi Wife of Amarnath Paswan Resident of Vindgama, P.S.- Patori (Mohanpur O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Jyoti

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Patori P.S. Case No. 129 of 2019 registered for the offence punishable under Sections 366(A), 376, 506 of the Indian Penal Code, Section 67(B) of the Information Technology Act and Sections 4/8 of the POCSO Act.

The case of the prosecution is that when the informant / complainant was alone in her house, the accused persons, namely, Laxmi Kumar @ Vikas, Ashok Paswan and Umesh Paswan had forcibly entered the house of the complainant and on gunpoint, had abducted her and taken her



in a Bolero vehicle to the Patna Railway Station from where she was taken by the co-accused Laxmi Kumar to his parent's house at Ghaziabad where the complainant was administered intoxicating substance and then, she was raped repeatedly, as also photographs were taken by mobile of the complainant in a nude position. It has been further alleged by the complainant that subsequently, the co-accused Laxmi Kumar had made her nude photographs and other obscene photographs viral on the mobile. It is also the allegation of the complainant that during the course of panchati / mediation, the accused persons including the petitioners herein started demanding a sum of Rs. 2,000,00/- from the family members of the complainant for the purposes of deleting the obscene photographs of the complainant.

The learned counsel for the petitioners has submitted that if at all anyone is having complicity in the matter, it is the son of the petitioners and the petitioners have no role to play in the alleged incident. It is further submitted that the petitioners are having a clean antecedent.

At this juncture, when this Court had put a query to the learned counsel appearing for the petitioners as to whether the main accused person, namely, Laxmi Kumar @



Vikas has surrendered before the learned court below, the learned counsel for the petitioners submitted that as per his information, he is in the process of seeking anticipatory bail. Upon a further query put to the learned counsel for the petitioners as to why the petitioners have not got their son surrendered before the court below on account of commission of such a heinous crime, the learned counsel for the petitioners could not give any plausible answer.

I have heard the learned counsel for the parties and gone through the materials on record, as also have perused the case diary from which I find that serious allegations of heinous crime having been committed has been levelled against the accused persons, thus, I find that at least the present case is not a fit case wherein the anticipatory bail petition of the petitioners is required to be entertained, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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