

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58933 of 2019

Arising Out of PS. Case No.-117 Year-2017 Thana- MADHEPUR District- Madhubani

1. RAUSHAN KUMAR PASWAN @ GULCHAN KUMAR @ RAUSHAN PASWAN Son of Fanni Lal Paswan @ Abhilal Paswan Resident of Village- Barbanna, P.S.- Raniganj, District- Araria.
2. Laxman Paswan @ Lachhaman Paswan Son of Jahuri Paswan Resident of Village- Rupauli, Police Station- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-03-2020

Heard the parties.

This application is for grant of regular bail in connection with Madhepur P.S.case No.117 of 2017 dated 9.12.2017 (G.R.No.1797 of 2017) for the offences under Sections 363 and 366 of the Indian Penal Code.

Allegation against the petitioner and other accused persons is of kidnapping of the minor daughter of the informant.

Submission of the learned counsel for the petitioners is that the statement of the *Bhabhi* of the victim girl has been recorded, who disclosed that one Pawan Singh had seen the victim girl going alone and the statement of Pawan Singh has also been recorded and he has not taken name of any



of the accused persons. It has come in para 17 of the case diary that she has love affair with one Ramesh Paswan and she eloped with Ramesh Paswan and the petitioner no.2 is *Gotia* of the informant and the petitioner no.1 is the son -in-law. Petitioners are in custody since 4.7.2019.

Heard learned A.P.P. who has opposed the prayer for bail on the ground that the victim girl is still traceless and para 227 and 228 of the case diary discloses that she was seen with the petitioners along with other accused persons ..

Having heard both sides and considering the above, I am not inclined to grant bail to the petitioner at this stage, however, once the girl is recovered and her statement is recorded under Section 164 Cr.P.C., petitioner is at liberty to renew his prayer for bail before the learned court below itself, who will pass appropriate order considering her statement under Section 164 Cr.P.C..

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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