

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84008 of 2019

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

1. ASHOK PASWAN Son of Dukhran Paswan Resident of Village - Bindgana, P.S.- Patori (Mohanpur O.P.), Distt.- Samastipur.
2. Umesh Paswan Son of Dukhran Paswan Resident of Village - Bindgana, P.S.- Patori (Mohanpur O.P.), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Jyoti

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Patori P.S. case No. 129/ 2019 registered under Section 366(A)/ 376/ 506 of the IPC, u/s 67(B) of Information Technology Act and u/s 4/8 of POCSO Act.

The victim in her complaint petition alleged that on 12.12.2019 at about 3 PM she was all alone in her house. Laxmi Kumar @ Vikash, Ashok Paswan, Umesh Paswan, both petitioners, came on a Bolero vehicle along with unknown persons and kidnapped her. They took her to Patna Junction from where Laxmi Kumar took her to Ghaziabad. She further alleged that Laxmi Kumar intoxicated her and committed rape with her. The accused also took her naked photographs and made the same viral. The accused persons sexually exploited



her.

The learned counsel for the petitioners submits that petitioners are uncle of the accused Laxmi Kumar. The victim prior to institution of the present case filed petition before the Officer-in-charge of Chandpura O.P. that she voluntarily left her house without informing her parents and came to her maternal house from where her parents took her to her native place. It is further submitted that there is absolutely no material against the petitioners but it appears that victim herself made specific allegation that both the petitioners accompanied Laxmi Kumar and others who came on a Bolero jeep and kidnapped the victim from her house while she was all alone in her house. The victim was taken to Ghaziabad where Laxmi Kumar forcibly established physical relation with her.

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

(Prabhat Kumar Jha, J)

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