

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8043 of 2020**

Arising Out of PS. Case No.-568 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. DEVANTI DEVI @ MALTI DEVI W/o Brija Paswan R/o village- Bari Gangati near Primary School, P.S.- Davat, District- Rohtas
  2. Brija Paswan @ Manoj Kumar Paswan S/o Verahamid Paswan R/o village- Bari Gangati near Primary School, P.S.- Davat, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari D/o Sri Raju Yadav Resident of Village- Renter of house of Rajeshwar Das, Humad Gli, P.S.- Chavak, District- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prithvi Nath Mishra  
For the Opposite Party/s : Mr.Madan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      17-02-2021              Heard the learned counsel for the petitioners and Shri Madan Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 568 of 2018 for the offence registered under Sections 323, 341, 354, 363, 506 and 34 of the Indian Penal Code.

The allegation is regarding the petitioners having given a bottle of water to the complainant after she was returning from her coaching and had fallen down whereafter she became senseless and then the petitioners are alleged to have kidnapped her and when she regained consciousness, she found herself to be at Delhi. It is further alleged that the petitioners were also



planning to sell the complainant for immoral purposes.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that the complaint petition has been filed belatedly and moreover the same has been filed maliciously on 30.05.2018, only after the father of the complainant was made an accused in Dawatpur P.S. Case No. 43 of 2015.

Per contra, the learned counsel for the informant as also the learned A.P.P. for the State Shri Madan Kumar have vehemently opposed the prayer for bail and have submitted that the statement of the victim girl on solemn affirmation before the learned court below clearly shows the complicity of the petitioners and moreover the learned court below upon having gone through the complaint petition and considering the statement of the witnesses has taken cognizance by an order dated 13.09.2018 and has found that a prima facie case, under Sections 323, 341, 354, 363 and 506/34 of the Indian Penal Code, is made out as against the petitioners. It is also submitted that the aforesaid case i.e. the one bearing Dawatpur P.S. Case No. 43 of 2015 has been found to be false by the police inasmuch as the police has already submitted a final form in the



said case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also in the records called for by this Court from the learned court below, the complicity of the petitioners is writ large from the records, hence I do not find the present case to be a fit case for grant of anticipatory bail. Accordingly, the present petition stands dismissed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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