

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14906 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- SAHAYAK NAGAR District- Katihar

1. ASHA DEVI WIFE OF UTTAM PASWAN Resident of- Sarifganj, Nayatola, P.S.- Sahayak, Katihar, Distt.- Katihar
2. Rajesh Paswan S/o Late Satto Paswan R/o village- Kaliyaganj, P.S.- Kalibari, District- Radhikapur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Nagar Sahayak P.S. case No.40 of 2020 registered under Sections 363, 366(A)/34 of the Indian Penal



Code and Section 12 of POCSO Act, pending in the court of C.J.M., Katihar.

Prosecution case, in short, is that the daughter of the informant had gone to School, but she did not return. On search, the informant learnt that her daughter was taken away by co-accused Laxman Paswan.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner No.1 is a lady.

On behalf of the State, it is submitted that the petitioners are not named in the F.I.R. The victim has been recovered. Her statement under Section 164 of Cr.P.C. has been recorded. The victim has specifically alleged against the petitioners for illegal confinement. The statement of the victim recorded under Section 164 of Cr.P.C. is Annexure 2 to the present application. The petitioner No.1 did not allow her to go home in course of occurrence. From perusal of the order of the Sessions Court, it appears that in course of occurrence, the victim has become pregnant also.

Considering the nature of accusation, I am not



inclined to grant anticipatory bail to the petitioners. The same is rejected.

If the petitioners surrender before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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