

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20020 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- BELA District- Sitamarhi

1. MANJIT KUMAR Son of Diplal Paswan Resident of Village Royahi, P.S. Bela District - Sitamarhi.
2. Diplal Paswan Son of Late Ram Prit Paswan Resident of Village Royahi, P.S. Bela District - Sitamarhi.
3. Bablu Paswan Son of late Sogarath Paswan Resident of Village Bharsar, P.S. Malangawa, District - Salohi (Nepal) At Prsent, Resident of Village Royahi, P.S. Bela District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirmal Kumar Sinha 3, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2022 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.

The petitioners are apprehending their arrest in a case registered under Sections 365, 366 and 366(A) of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons including the petitioners abducted the daughter of the informant for the purpose of marriage.



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. On recovery, the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not named the petitioner no. 2. So far as allegation against petitioner Nos. 1 and 3 are concerned, the same has been levelled against them in due influence of her parents and it cannot be relied upon especially in the light of the Annexure-2 which is the affidavit sworn by the victim stating that she has got married with petitioner no. 1.

On behalf of the State, it is submitted that petitioners are named in the F.I.R and the victim has named the petitioner nos. 1 and 3 in her statement recorded under section 164 Cr.P.C. As per her statement, the main allegation is against petitioner no. 1 and petitioner no. 3 is also said to have accompanied him in committing the offence.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner nos. 1 and 3. The prayer is rejected. If the petitioner nos. 1 and 3 surrender in the Court below and pray for bail, the same shall be considered on its own merit without being prejudiced by this order.

So far as petitioner no. 2 is concerned, in the event of arrest/surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi in connection with Bela P.S. Case No. 41/2020 (G.R. No. 1237/2020) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 2 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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