

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16661 of 2022**

Arising Out of PS. Case No.-9 Year-2021 Thana- JHAJHA District- Jamui

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KRISHNA PASWAN S/o Ganga Paswan Resident of Village- Kavar, P.S.-
Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366(a) and 34 of the Indian Penal Code read with Section 16 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 08.01.2021 at about 11:00 am, his minor daughter went to her field but did not return till 12 noon, further on inquiry the informant came to know that Rakesh Paswan and his father Ganga Paswan have kidnapped his daughter with an intention of killing her, further the informant also raised suspicion on Shiv Nandan Paswan in the aforesaid kidnapping.



Learned counsel for the informant submits that the petitioner has been falsely implicated in the present case, he is not named in the F.I.R. nor even remote suspicion was raised by the informant while instituting the F.I.R., it is next submitted that the informant had encroached government land which was causing obstruction to the villagers on account of which they had made complaint against him. It is further submitted that on account of the said dispute the informant through his minor daughter got the villagers implicated. It is next submitted that even the F.I.R. does not disclose that as to why Rakesh Paswan and his father Ganga Paswan or Shiv Nandan Paswan would have kidnapped his daughter. Learned counsel next submits that the alleged victim on her own came back and her statement was recorded under Section 164 of the Cr.P.C. where she has supported the prosecution case. It is next submitted that the petitioner is not named in the F.I.R. and his name by way of afterthought was taken by the victim in her statement under Section 164 of the Cr.P.C. based on which he came to be implicated in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jhajha P.S. Case No. 9 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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