

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39310 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- GAUNAHA District- West Champaran

1. MALTI DEVI W/o Ramesh Paswan, Mother of Dilip Paswan Resident of Village - Belsandi, P.S. Gaunaha, District - West Champaran.
2. Ramesh Paswan @ Ramesh Hajra S/o Late Doma Hajra Resident of Village - Belsandi, P.S. Gaunaha, District - West Champaran.
3. Dipu Paswan Son of Ramesh Paswan Brother of Dilip Paswan Resident of Village - Belsandi, P.S. Gaunaha, District - West Champaran.
4. Dimple Kumari W/o Ghutan Kumar Paswan, Sister of Dilip Paswan Resident of Village - Tumkaria, P.S. Narkatiaganj, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. K.M.Joseph, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 366A of the
Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the informant Geeta
Devi wife of Jitendra Dixit was at the relevant time residing in
Gujarat with her family including her two sons and two



daughters. In the room next to informant's room some labourers were living, who used to visit her room. The informant had come to her village at Chapra with her family for the Bihar Board Examination of her daughter Sonali Dixit. After completion of the examinations Sonali Dixit did not return back home, but by phone from mobile no. 8294861837 informed her, the informant, that she was going to a friend's home and will return home by evening, but she did not return as promised. It was claimed by the informant that on her repeated call on above said phone number the call was answered by her daughter who told the informant that she had been forcibly taken by Dilip Kumar to his village Balsandi under Gaunaha police station. The informant on 13.06.2021 reached house of Dilip Paswan and met her daughter and wanted to take her daughter back with her but the relatives of Dilip Paswan beat her and hit her with bricks causing her injury. The informant, after giving a complaint at the Gaunaha police station, returned to her home. It was further claimed by informant that she again went to village Balsandi on 03.07.2021 but could not meet her daughter. The informant in the complaint claimed that her daughter had been kidnapped by Dilip Paswan accused no.1 with intent to marry her and that her daughter is 17 years old and that informant feared for her life.



Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case merely that they are family members of the husband of the victim. He further submits that in fact the son of petitioner no.1 was in love with the victim girl and they have perform marriage on 06.03.2021. He further submits that the police after investigatino submitted final form in favour of the petitioners but the learned court below deffering with the final form and take cognizance against the petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gaunaha P.S. Case No. 128 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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