

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14532 of 2022**

Arising Out of PS. Case No.-264 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. CHANDRA KISHORE PASWAN Son of Ramdeo Paswan Resident of Village - Harpurwa Ward No.- 8, P.S.- Bajpatti, District - Sitamarhi
2. Manoj Paswan Son of Chandra Kishore Paswan Resident of Village - Harpurwa Ward No.- 8, P.S.- Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Kumar,Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad,APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL ORDER**

3      16-01-2023                      At the outset, learned counsel for the petitioners submit that the petitioner no. 1, namely, Chandra Kishore Paswan has been arrested during the pendency of the petition and as such, the petition against him has become infructuous.

Accordingly, the application as against petitioner no. 1, namely, Chandra Kishore Paswan is dismissed as infructuous.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner no.2 apprehends his arrest in connection with Bajpatti P.S. Case No. 264 of 2021 for the offence registered under Sections 363 and 366A of the Indian Penal Code.

As per the FIR, the allegation is that 14 years minor daughter was abducted by accused persons including the petitioner herein (petitioner no. 2, Manoj Paswan).



Learned counsel submits that only allegation against the petitioner no. 2 is of facilitating her abduction.

Learned counsel for the informant, on the other hand, submits that the minor girl was recovered from Nepal and in her statement under Section 164 Cr.P.C, she has categorically stated that both the Manoj Paswan and the Saroj Paswan raped her repeatedly. The last submission is that similarly situated Shambhu Paswan has also moved this Court vide Cr. Misc. No. 59718 of 2022 which stands rejected by a Co-ordinate Bench on 09.01.2023.

Let the same be kept on record.

Taking into account the kind of allegation that has come against the petitioner no. 2, this Court is not inclined to grant him relief, which is accordingly rejected.

**(Rajiv Roy, J)**

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