

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28055 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- KANGLI District- West Champaran

1. MUNNA PASWAN S/O JAWAHIR PASWAN @ JAWAHAR PASWAN R/O Village- Basantpur, P.S- Kangali, Distt.- West Champaran.
2. Sonu Kumar @ Sonu Paswan S/O Jawahir Paswan @ Jawahar Paswan R/O Village- Basantpur, P.S- Kangali, Distt.- West Champaran.
3. Jawahir Paswan @ Jawahar Paswan S/O Shiv Paswan R/O Village- Basantpur, P.S- Kangali, Distt.- West Champaran.
4. Hira Lal Paswan S/O Late Ganga Paswan R/O Village- Basantpur, P.S- Kangali, Distt.- West Champaran.
5. Bijali Paswan @ Bijali S/O Late Ganga Paswan R/O Village- Basantpur, P.S- Kangali, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

3. The informant alleges that his daughter was kidnapped by the accused persons by a car while she was returning home with her mother and they took her towards



Sikta, it is next alleged that the mother also ran behind the car but was not able to trace her daughter.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges that one Arun Paswan forcefully made his daughter sit in the car and it is alleged that the accused persons including the petitioner supported him. It is next submitted that the victim and Arun Paswan were in love and she on her own volition had eloped with Arun Paswan and petitioners, being brothers, father and relative of Arun Paswan has been falsely implicated, it is also submitted that the date of occurrence is 27.01.2022 but the FIR came to be instituted on 16.02.2022 and the statement of the victim who is aged about 21 years was recorded under Section 161 CrPC wherein she has not supported the case of the prosecution with regard to the petitioners.

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

7. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kangali P.S. Case No. 10 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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