

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40198 of 2022**

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

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1. BIRJA HAJRA SON OF LATE THAKURI HAJRA R/O VILLAGE- BELSANDI, P.S.- GAUNAHA, DISTRICT- WEST CHAMPARAN
2. CHAMPA DEVI WIFE OF DINESH PASWAN, AUNT OF DILIP PASWAN R/O VILLAGE- BELSANDI, P.S.- GAUNAHA, DISTRICT- WEST CHAMPARAN
3. DINESH PASWAN @ DINESH HAZRA SON OF SHYAMLAL HAJRA, UNCLE OF DILIP PASWAN R/O VILLAGE- BELSANDI, P.S.- GAUNAHA, DISTRICT- WEST CHAMPARAN
4. SANTOSH HAJRA @ SANTOSH PASWAN SON OF LATE ASHOK PASWAN R/O VILLAGE- JAMHAULI, P.S.- GAUNAHA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                          |
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| For the Petitioner/s       | : | Ms. Kamila Kandulna, Advocate<br>Mr. Cebin Mathew, Advocate<br>Mr. K.M. Joseph, Advocate |
| For the Opposite Party/s : |   | Mr. Binod Kumar No. 3, APP                                                               |

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

3      16-01-2023                      Heard Ms. Kamila Kandulna, learned counsel for the petitioners and Mr. Binod Kumar No. 3, learned APP for the State.

The petitioners apprehend their arrest in connection with Gaunaha P.S. Case No. 128 of 2021 for the offence registered under Section 366A of the Indian Penal Code and under Section 8 of the POCSO Act.

As per the prosecution story, the informant alleged



that her minor daughter had come to her village to Chapra to appear for her Board examination and when after examination she failed to return, search was made when came to notice that one Dilip Paswan had forcibly taken her. Further, when they came from Gujarat and tried to contact the family members of Dilip Paswan, they were abused and assaulted. Hence, the FIR was lodged.

Subsequently, as per the statement made by the learned counsel for the petitioners and the learned APP, the victim girl was recovered and she narrated that she went with Dilip Paswan and is living together with him.

However, learned APP submits that from the record, it appears that she was minor.

Be that as it may, the allegation is against Dilip Paswan of taking away the informant's daughter and so far as these petitioners are concerned, they are distantly related to said Dilip Paswan and from the FIR, it does not seem that they have any role to play.

Taking into account the aforesaid facts, this Court is inclined to extend them relief of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VII cum Special Judge (POCSO) Bettiah in connection with Gaunaha P.S. Case No. 128 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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