

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43234 of 2022

Arising Out of PS. Case No.-137 Year-2019 Thana- PIPRA District- Supaul

Sanjiv Paswan S/O Debu Paswan Resident of Gram Panchayat- Pathra,
Dakshin Ward No.- 06, P.S.- Pipra District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Shankar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-03-2023 Heard both parties.

The petitioner apprehends his arrest in Pipra P.S. Case No. 137 of 2019, registered for the offences punishable under Sections 366, 34 of the Indian Penal Code.

As per the prosecution case, this petitioner enticed away informant's wife Pooja Devi and her son on the pretext of providing loan and with intent to marry Pooja Devi.

It is submitted on behalf of petitioner that entire allegation is false and concocted no such occurrence as alleged in the FIR has taken place. In fact, petitioner and wife of informant both are engaged in the work of providing group loan to the people and the wife of informant embezzled some of the money. When petitioner asked for the said money then informant lodged the instant case alleging false allegation



against him. Moreover, FIR and the statement of victim lady under Section 164 Cr.P.C are contradictory. Counsel for petitioner has placed reliance on some of the judgments -(1) Sanjay Chandra Vs. CBI where the Supreme Court have held that seriousness of offence is no doubt one of the factor while hearing the bail application but mere seriousness of offence could not be the only factor. (2) Sushila Agrawal Vs. NCT Delhi reported in SCC V (2020) 1 (3) Basic Principle of Law “Bail in the Rule and jail in the exception. (4) Legal Maxim “Ei Incumbit Probation, Qui Dicit, non qui Negat and the principle of the Presumption of Innocence.

Petitioner claims clean antecedent.

Counsel for State vehemently opposed the prayer for bail and submitted that the victim lady in her statement under Section 164 Cr.P.C has specifically taken name of this petitioner and stated that it was he who kidnapped her.

Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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