

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48281 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- FULKAHA District- Araria

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HARILAL PASWAN S/O LATE FANI LAL PASWAN R/O Village- Madhura
Uttar, P.S- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2023 Heard Mr. Ramesh Kumar Singh, learned counsel

for the petitioner and Mr. Zainul Abedin, learned Additional

Public Prosecutor for the State.

2. Petitioner apprehend his arrest in connection with

Fulkaha PS Case No. 27/2023 dated 09.03.2023 registered for

the offence punishable under Sections 363/365/34 of the IPC.

3. On 22.02.2023, it has been alleged that the

daughters-in-law of the informant, namely, Ranju Devi and Rani

Devi along with a minor son of Ranju Devi were kidnapped by

the accused persons named in the FIR

4. Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case with malice

intention due to previous enmity and litigation between one

Dhyani Paswan and the petitioner. The informant being the



relative of Dhyani Paswan has lodged the present case on the basis of concocted story at the behest of Dhayani Paswan. He further submits that the victims appeared themselves after 24 days from the date of occurrence and their statement under Section 161 CrPC was recorded wherein they have stated that the petitioner and his wife offered them tea and thereafter they became unconscious and the victims were sold to somebody else not known to them. Learned counsel further submits that statement of the victims were again recorded under Section 164 CrPC in which, they have changed their statement made under Section 161 CrPC and stated that the victim, Ranju Devi was sold to one Raj. He next submits that no material has come during course of investigation regarding the person who had allegedly, purchased the victim from the petitioner and his wife. Accordingly, his submission is that FIR and the statements made by the victims are highly improbable based on concocted story and the victims were not recovered by the police from the possession of the purchaser and they have surfaced themselves after 24 days from the date of occurrence.

5. Regards being had to the submissions made by the parties, taking into consideration the material on record and the fact that there is a previous dispute of the petitioner with one



Dhyani Paswan with whom the informant is related, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within six weeks from today, 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 learned Sub Divisional Judicial Magistrate, Araria in connection with Fulkaha PS Case No. 27/2023, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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