

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48779 of 2023**

Arising Out of PS. Case No.-840 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Mahadev Paswan Son Of Dashrath Paswan, R/O Village-Ramshala, P.S.-
Sadar, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Darbhanga Sadar P. S. Case No. 840 of 2022 registered on 09.12.2022 for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

3. According to the prosecution, the F.I.R. has been lodged against three named accused persons in which alleged that the daughter of the informant has eloped with Dhiraj Kumar Paswan with the help of two other accused persons including the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further

submits that there is no involvement of the petitioner in commission of the said crime. Counsel has put emphasis on the rejection order of Additional Sessions Judge, Darbhanga, in which it has come that the alleged victim has recovered and narrated her statement before the Magistrate. In her statement recorded under Section 164 of Cr.P.C. she has denied her kidnapping rather accepted that she was in love with accused Dhiraj Kumar Paswan. The accused Dhiraj Kumar Paswan was waiting for her near Delhi More, she reached there and from there she along with accused Dhiraj Kumar Paswan went to Nepal. It has also come that upon production, the victim refused to undergo physical examination before the Doctor and the prescribed form of medical examination does not bear the signature of her parents which requires investigation and prayer for her assessment of age is there.

5. Learned APP for the State opposes the prayer for bail but accepts that after going through the order sheet it transpires that there is no involvement of the petitioner in commission of the said crime.

6. In the aforesaid facts and circumstances, let the above-named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below

within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 840 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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