

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50269 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- RAHUI District- Nalanda

1. KAUSHAL PASWAN S/o Late Jagdish Paswan R/o village- Amba, P.S.- Rahui, District- Nalanda
2. BINITA DEVI W/o Kaushal Paswan R/o village- Amba, P.S.- Rahui, District- Nalanda
3. RAMESH PASWAN S/o Sidheshwar Paswan R/o village- Bhandari, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending arrest in connection with Rahui P.S. Case No. 314 of 2022 under section 367 of the Indian Penal Code.

As per the prosecution story, the informant alleged kidnapping of his son by the accused persons.

Learned counsel for the petitioners submit that the entire family members have been roped in this case, the petitioner no.1 being the husband of petitioner no.2 while the petitioner no. 3 is the villager.

It is his further submission that the alleged kidnapped boy returned the same day and there is nothing on record to show anything wrong was done with him.



The last submission is that the daughter of the petitioner nos. 1 and 2 was kidnapped and raped by the said Bobby Kumar for which Rahui P.S. Case No. 318 of 2022 was lodged and this is the counter blast to save their skin.

The learned APP opposes the prayer stating that the allegation is of taking away the son of the informant.

Considering the fact that earlier Rahui P.S. Case No. 318 of 2022 was lodged by the petitioners alleging rape by the said Bobby Kumar, the petitioners do not carry any criminal antecedents, this Court is inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Laheri P.S. Case No. 314 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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