

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62021 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- LODIPUR District- Bhagalpur

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1. Govind Paswan @ Govind Kumar @ Govind Kumar Paswan, Son Of Shambhu Paswan,
 2. Shambhu Paswan, Son of Jleshwar Paswan,

Both are residents of Village -Bela, PS- Chandramandih, Chakai, Distt- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Lodipur P.S. Case No. 198 of 2021 registered for the alleged offences under Sections 363, 366 (A) and 34 of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioners with the help of other co-accused persons. The informant claims that she saw the petitioner no.1 taking away her daughter on a motorcycle.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. The informant has earlier lodged a case bearing Lodipur P.S. Case No.172 of 2020 dated 09.09.2020 under Sections 363, 366(A) of the Indian Penal Code. In that case, the statement of the victim girl was recorded under Section 164 Cr.P.C. wherein her age was assessed to be 18 years and she also stated her age to be 18 years. She further stated that she went away with the petitioner Govind Paswan on her own and solemnized marriage with him. However, she expressed her desire to stay with her mother. Thereafter, the learned court below allowed her to live with her mother. So, the allegation that the petitioners kidnapped a minor girl aged about 15 years is not sustainable in view of earlier occurrence. The learned counsel further submits that the daughter of the informant has become pregnant and as her husband, the petitioner no.1, went away in connection with some job, the victim girl has been residing with her mother and when her husband returned, she again went to him and for the said occurrence, her mother has lodged a false case. It is a case of love affair. Moreover, the present FIR has been lodged 12 days after the alleged occurrence and there is no explanation for such delay. The prosecution case is not believable as the informant has not initially stated about the petitioner Govind Paswan taking away



her daughter, rather she has just stated about searching for her daughter and then she stated that she saw the petitioner no.1 taking away her daughter. Moreover, allegation is also not believable on the account that no alarm was raised by the daughter of the informant. The petitioner no.2 is the father of the petitioner no.1 and no overt act has been attributed to him.

5. Learned APP opposes the submission made on behalf of the petitioners. The learned APP submits that though the petitioner no. 1 was enlarged on bail in the earlier case, he committed the same offence.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false accusation since the dates and events of the case do not inspire confidence in the prosecution case, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur, in connection with Lodipur P.S. Case No. 198 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:



- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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