

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63937 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

1. Reeta Devi @ Gita Kumari W/o Bipindar Paswan R/o vill - Surgahi, P.S. -
Tariyani, Distt. - Sheohar
2. Malti Devi W/o Gagan Paswan R/o vill - Surgahi, P.S. - Tariyani, Distt. -
Sheohar
3. Gagan Paswan Son of Lakhan Paswan R/o vill - Surgahi, P.S. - Tariyani,
Distt. - Sheohar
4. Rambalak Paswan Son of Gagan Paswan R/o vill - Surgahi, P.S. - Tariyani,
Distt. - Sheohar
5. Rajballam Paswan Son of Gagan Paswan R/o vill - Surgahi, P.S. - Tariyani,
Distt. - Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in
connection with Tariyani PS Case No. 55 of 2022, registered for
the offence punishable under Sections 363, 365, 366(A)/34 of
the Indian Penal Code.



3. One Sidi Kumar has allegedly taken the informant's minor daughter, aged about 14 years, for solemnizing marriage or for pushing her in immoral traffic. In the offence, he has been aided and assisted by the petitioners also.

4. It is submitted by the petitioners' counsel that as per the First Information Report (for brevity 'FIR') it is obvious that the victim was taken to Muzaffarpur and thereafter to Delhi where, she was with the co-accused, namely, Sidi Kumar for about two months. In fact, Sidi Kumar and victim were on intimate terms and had eloped and upon recovery of the victim girl, she has given statements under Sections 161 and 164 of the Code of Criminal Procedure (for brevity 'Cr. P.C.') which are inconsistent, but implicating the petitioners also. Investigation resulted in submission of a final form, finding the case not true against the petitioners. They have been implicated because they are relatives and acquaintances with the Sidi Kumar and have no criminal antecedents. Co-accused Sidi Kumar is stated to be in custody.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and the fact emerging in the investigation as taken



note of by the learned 1st Additional Sessions Judge- cum- Special Judge, Sheohar in order dated 17-4-2023, in Anticipatory bail petition No. 91 of 2023, rejecting the prayer for anticipatory bail, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Special Judge, Sheohar, in connection with Tariyani PS Case No. 55 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if



they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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