

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76181 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- SALAIYA District- Aurangabad

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1. Bigan Paswan S/O Chamra Paswan R/O Village- Jai Bigha, P.S- Salaiya, Distt.- Aurangabad (Bihar).
 2. Phulwa Devi W/O Bigan Paswan R/O Village- Jai Bigha, P.S- Salaiya, Distt.- Aurangabad (Bihar).
 3. Anand Kumar Paswan @ Anand Paswan S/O Bigan Paswan R/O Village- Jai Bigha, P.S- Salaiya, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Ms. Leelawati Kumari, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Salaiya P.S. Case No. 13 of 2023, registered for the offences punishable under Sections 366A, 34 of the Indian Penal Code.

3. It is alleged that the daughter of the informant was enticed away by the son of the petitioner nos. 1 and 2 for the purposes of marriage.

4. Learned counsel appearing on behalf of the



petitioners submits that from the F.I.R. it is evident that the alleged occurrence of enticing away the daughter of the informant took place on 07.02.2023, but surprisingly the present F.I.R. has been instituted after delay of eight days, on 15.02.2023. Moreover, only the petitioners being parents and brother of Sandeep Paswan, who has allegedly enticed away the daughter of the informant, there is no material suggesting the complicity of the petitioner in the present crime. Taking note of the aforesaid facts, the police after investigation has not sent up the petitioners for trial. However, differing with the final report, the learned Court has taken cognizance for the offences as alleged in the F.I.R., hence the present application for anticipatory bail. Furthermore after institution of the F.I.R., the victim and the co-accused Sandeep Paswan appeared before the Court and the statement of the victim was recorded wherein she has not made any allegation against the petitioners. Learned counsel appearing on behalf of the petitioners lastly submits that all the petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police submitted final form showing the petitioners as innocent and save and except the fact that the petitioners are parents and the brother of the co-accused, there is no material, coupled with their fair antecedent and delay in lodging of the F.I.R., let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Exclusive Special Judge, (POCSO Act), Aurangabad in connection with Salaiya P.S. Case No. 13 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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