

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5519 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- MADANPUR District- Aurangabad

1. Salik Chand Paswan SON OF RAM KESHAR PASWAN RESIDENT OF VILLAGE- FESAR, PS- FESAR, DIST- AURANGABAD
2. PHOOL JHARI DEVI @ PHOOL JHARIYA DEVI WIFE OF SALIK CHAND PASWAN RESIDENT OF VILLAGE- FESAR, PS- FESAR, DIST- AURANGABAD
3. RAJENDRA PASWAN SON OF KANHAI PASWAN RESIDENT OF VILLAGE- FESAR, PS- FESAR, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard Mrs. Mukul Kumari, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Madanpur P.S. Case No. 196 of 2023 registered under Sections 366(a) of the Indian Penal Code and Sections 8 and 12 of the POCSO Act lodged on 04.05.2023 by the informant, Kusum Devi.

3. As per the prosecution story, the informant has alleged that on 19.10.2022, the minor daughter was taken on the pretext of marriage with Mithun Kumar by these three petitioners and on 22.04.2023, when the informant wanted to enquire from the parents, he was abused. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the occurrence dates



back to 19.10.2022 whereas the FIR was lodged on 04.05.2023. It is her further submission that only because Mithun Kumar is son of petitioner nos. 1 and 2 and due to relationship with the victim girl has disappeared with her, they have been implicated. The petitioner no. 3 is the cousin brother and they have no role to play in the matter. It has been further submitted that earlier the police had submitted final form but later the learned Magistrate differed and cognizance taken, necessitating this anticipatory bail.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that these petitioners facilitated disappearance of the girl with Mithun Kumar son of the petitioner nos. 1 and 2.

6. Taking into account the fact that the main allegation is against Mithun Kumar of taking away the victim girl, petitioner nos. 1 & 2 are parents while petitioner no. 3 is cousin brother, FIR lodged and they will be facing the trial, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned Additional Sessions Judge VI- cum-Exclusive Special Judge, POCSO Act, Aurangabad in connection with Madanpur P.S. Case No.196 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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