

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4936 of 2024

Arising Out of PS. Case No.-775 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. MANJU DEVI WIFE OF LATE AJAY PASWAN RESIDENT OF VILLAGE - BASANPUR, P.S. - RAHUI, DISTRICT - NALANDA
 2. DILIP PASWAN SON OF LATE AJAY PASWAN RESIDENT OF VILLAGE - BASANPUR, P.S. - RAHUI, DISTRICT - NALANDA
 3. MITHUN PASWAN SON OF LATE AJAY PASWAN RESIDENT OF VILLAGE - BASANPUR, P.S. - RAHUI, DISTRICT - NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. INDU DEVI WIFE OF UMESH PASWAN RESIDENT OF VILLAGE - BASANPUR, P.S. - RAHUI, DISTRICT - NALANDA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. The petitioners apprehend their arrest in connection with complaint case No. 775(C) of 2022 in which cognizance has been taken for the offences punishable under Sections 323 and 365 of the Indian Penal Code.
3. The prosecution case, as per the complaint filed by one Indu Devi is that, at about 7:00 am, on 05.07.2022/15.07.2022, when the complainant had gone to Sant Baba Temple, she met with the petitioners and



other accused persons who offered her prasad and water and after consuming the same, she became unconscious and woke up in Delhi where she met with her co-villagers namely Rajo Devi, Rupa Devi, Mannu Kahar and Vipin Paswan and she was kept in a room for eight days. It has further been alleged that when the complainant requested the accused person to let her go home, they threatened to kill her. On 12.07.2022, when the petitioner No. 1 returned her village, the husband of the complainant inquired about her, on which the petitioners sent the complainant to her village on 18.07.2022. It has further been alleged that the accused persons, including the petitioners kidnapped the complainant for the purpose of selling her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has not committed any offence in the manner alleged. He further submits that the petitioners is in no way connected with the alleged kidnapping of the complainant and this false complaint petition has been lodged due to previous enmity. The complainant never went to Delhi which would be evident from the statement made in the complaint that the



complainant was kept in Delhi for eight days and she returned from Delhi on 18.07.2022 whereas the date of occurrence as mentioned by the complainant in the complaint is 15.07.2022.

5. I have heard learned counsel for the parties and have perused the materials on record. From perusal of the complaint, it appears that the complainant has given the date of occurrence as 05.07.2022 in the format of complaint, however, in the first paragraph of the complaint, it appears that due to typographical error, the date has been typed as 15.07.2022 instead of 05.07.2022. There is specific allegation in the complaint that the complainant was offered *prasad* by the accused persons including the petitioners and they also provided water to the complainant and after consuming the same, she became unconscious and when she woke up, she found herself in Delhi. The allegation is that the complainant was kidnapped and was kept in illegal confinement in Delhi for the purpose of trafficking. The complainant has supported her case in the statement of solemn affirmation and the learned Magistrate, after finding *prima facie* case, has taken cognizance against the petitioners under



Sections 323 and 365 of the I.P.C., accordingly, I am not inclined to grant anticipatory bail to the petitioners.

6. The prayer for anticipatory bail of the petitioners stands rejected.

(Anil Kumar Sinha, J)

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