

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.73370 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- RAJEPUR District- East Champaran

BRAHAMDEO PASWAN son of Khelawan Paswan Village- Madhuaha Vrit
Ps- Rajepur Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Perna Rishi

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 21-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Rajepur Police Station Case No. 190 of 2022, dated 08.11.2022, disclosing offences punishable under Sections 363/366/366-A/34 of the Indian Penal Code.
3. The prosecution case, as per the complaint -cum- First Information Report, is that all the accused persons, including the petitioner, kidnapped the wife and 3½ years old daughter of the complainant-informant.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to



village politics. Upon perusal of the complaint -cum- First Information Report, it would be evident that on the date of occurrence, i.e. on 20.01.2021, the complainant-informant was sleeping along with his wife and children and when the informant woke up in the morning, he did not find his wife and one 3½ years old daughter. The complainant-informant has further alleged that when he started searching, he found that accused no. 1, Subhash Paswan, and accused no. 3, Shanti Devi, were not present at their home. In the complaint -cum- First Information Report, it has further been alleged that on 09.02.2022, the complainant-informant met with accused no. 1, Subhash Paswan, and asked about his wife and daughter, then accused no. 1, Subhash Paswan, informed that he, along with accused no. 3, Shanti Devi, sold them. During the course of investigation, no material has come against the petitioner to connect the petitioner with the present offence. The statements of the two children of the complainant-informant were recorded by the police, who were sleeping along with their mother, in which they have stated that accused no. 1, Subhash Paswan, was having relationship with their mother and their mother has fled



away with accused no. 1, Subhash Paswan. Accordingly, the submission is that in the complaint -cum- First Information Report, there is no specific allegation against the petitioner and during the course of investigation also, nothing against him has been surfaced.

5. Learned Additional Public Prosecutor, referring to the case diary, submits that the police has not found any material against the petitioner as yet.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the allegation made in the complaint -cum- First Information Report and the material collected during the course of investigation, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Rajepur Police Station Case No. 190



of 2022, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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