

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84272 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- BRAHMPUR District- Buxar

Abhishek Paswan Son Of Dadan Paswan Resident Of Village- Banswar, Ps-
Brahampur, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Brahampur
P.S. Case No. 236 of 2023 registered for the offences punishable
under Section 363 and 366(A) of the Indian Penal Code and
Section 8, 12 of the POCSO Act, pending in the Court of
learned District and Sessions Judge VI-cum-Special Court,
POCSO at Buxar.

3. As per the prosecution case, the petitioner along
with other co-accused persons is said to have kidnapped the
minor daughter of the informant with malafide intention.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the victim is minor, it is clear from the impugned order. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the fact that the victim is minor, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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