

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16788 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- EKANGARSARAI District- Nalanda

1. Hariom Paswan @ Hariom Kumar S/o- Ramprawesh Paswan Resident of Village- Parthu, Police Station- Ekangarsarai, District- Nalanda
2. Mahesh Paswan S/o- Kamlesh Paswan Resident of Village- Parthu, Police Station- Ekangarsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shruti Kumari D/o- Sri Ram Village- Siriya Ps- Dhanarua Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Awadesh Kumar, learned counsel for the petitioner sand Mr. Upendra Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Ekangarsarai P.S. Case No. 266 of 2024, F.I.R. dated 25.12.2024 for the offences punishable under Sections 126(2), 115(2), 74, 351, 352 and 3(5) of the BNS and Sections 8 and 12 of the POCSO Act.

3. According to prosecution case, the daughter of the informant was traceless. It was alleged that she was abducted by this petitioner.

4. Learned counsel for the petitioners submits that petitioners are having clean antecedent and they have falsely been implicated in the present case. He further submits that the

allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the bail of the petitioners and submits that it has during the investigation that the prosecution has found the case true against the petitioners. Apart from that number of evidence has supported the case of the prosecution and the statement of the victim recorded under Section 164 of Cr.P.C. in which she fully supports the case of the prosecution. Apart from that on the date of the occurrence, the date of birth of the victim was 05.02.2009, which suggests that on the day of occurrence the victim was a minor girl.

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Ekangarsarai P.S. Case No. 266 of 2024 pending in the court of learned Spl. Judge POCSO Court-cum-Additional District and Sessions Judge, Nalanda at Bihar Sharif.

7. Prayer is refused.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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