

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56482 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- ADAPUR District- East Champaran

1. Lakshmi Devi W/o Shambhu Paswan R/o Village- Sirisiya Khurd, P.S.- Adapur, District- East Champaran
2. Shambhu Paswan Son of Late Bhikhari Paswan R/o Village- Sirisiya Khurd, P.S.- Adapur, District- East Champaran
3. Raju Paswan Son of Shambhu Paswan R/o Village- Sirisiya Khurd, P.S.- Adapur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 19-04-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366 of the Indian Penal Code.

3. The prosecution case as per the First Information Report is that in the night of 28.01.2024, the informant's daughter went to attend the call of nature but she did not return. It has been alleged that she had been kidnapped by the accused persons named in the FIR.

4. Learned counsel for the petitioners submits that a



perusal of the First Information Report itself would go to show that general and omnibus allegation has been made in the FIR raising a suspicion upon the persons who were named in the FIR on the ground that the son of petitioner nos. 1 and 2, namely Rajnandan Paswan had some bad intentions with regard to the daughter of the informant. So far as petitioners are concerned, they are the mother, father and brother of the said Raj Nandan Paswan. It has been alleged by the learned counsel for the petitioners that the occurrence had taken place on 28.01.2024 but the FIR was lodged on 02.02.2024 and the delay has not been satisfactorily explained. It has also been submitted that there is no eye witness to the present case and the entire case is based upon suspicion. Even the 164 Cr.P.C. statement of the victim was recorded and her statement also reveals that there is a love relationship between the co-accused Raj Nandan Paswan and the victim girl and general and omnibus allegations have been made against the petitioners even in the said statement of the victim under Section 164 of the Cr.P.C. It has also been submitted by the learned counsel for the petitioners that the co-accused persons of this case have already been given privilege of anticipatory bail which would be evident from the order dated 07.01.2025 passed in Cr. Misc. No. 84244 of 2024



and further from the order dated 06.03.2025 passed in Cr. Misc. No. 16511 of 2025.

5. Learned APP for the State has opposed the application for anticipatory bail.

6. Considering the facts and circumstances of the case and also considering that the petitioners have no criminal antecedent, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Adapur P.S. Case No. 36 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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