

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69200 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- MOTIHARI TOWN District- East
Champanan

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1. Ranjan Paswan @ Ranjan Kumar Son of Bhagyanarayan Paswan @ Bhagyanarayan Paswan Village- Sanichari Sthan Daroga Tola, Ps- Banjariya Dist- East Champanan
 2. Guddu Sah @ Guddu Kumar Son of Manai Sah Village- Sanichari Sthan Daroga Tola, Ps- Banjariya Dist- East Champanan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. X Village Kolhwarwa Near Ramna Pul, P.S. Motihari, East Champanan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 03-04-2025 Heard Mr. Sagar Kumar, learned counsel for the
petitioners and Mr. Ajit Kumar, learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 363, 366A, 34 of the Indian Penal Code and later on added Section 376(D) of the I.P.C. & Section 4 of the POCSO Act.

3. The case of the prosecution is that the minor daughter of the informant namely, Priyanka Kumari was taken away by one Nausad Alam. It is further alleged that the daughter of the informant entered in the house of Munna Paswan and from there, four persons namely, Ranjan Paswan, Guddu Paswan and



two others took her on e-rickshaw. The daughter of the informant has not returned.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that the petitioners are languishing in judicial custody since 06.04.2024.

5. During course of investigation, the victim was recovered and she has given her statement under Section 161 and 164 of the Cr.P.C. In her statement under Section 161 of the Cr.P.C., she has stated that she was on talking terms with Nausad and she went out with Nausad but certain persons started assaulting Nausad and she went to the house of one Munna Paswan. It has further been stated that from there, the petitioners along with others took her away. She has also stated that she was being raped by four persons including the petitioners. In her Statement under Section 164 of the Cr.P.C. also, she has stated that she was being raped by four persons including the petitioners. In this case, the medical examination of the victim was conducted, but after one month of the incident, no objective finding was there regarding the act. It is also submitted that there is much contradiction in the statement



of victim under Section 161 & 164 of the Cr.P.C and there is delay in filing of the FIR.

6. Learned APP appearing for the state has opposed the prayer of regular bail and submits that the petitioner no. 1 is having criminal antecedent of one case whereas petitioner no. 2 has no criminal antecedent.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case and the gravity of the allegation, this court is not inclined to enlarge the petitioners on bail at this stage, and as such, their prayer for bail application have been rejected.

8. However, the petitioners are at liberty to renew their prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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