

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47285 of 2014

Arising Out of Complaint Case No. -5 C Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Awadh Kumar Paswan.
 2. Subodh Paswan.
Both are son of Ram Nath Paswan.
 3. Ram Nath Paswan S/o Late Lakhan Paswan.
 4. Dhano Devi W/o - Ram Nath Paswan.
All are resident of Village - Chabilapur, P.S. - Manpur, District-
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Chanchala Rani D/o - Nageshwar Paswan R/o Village -
Sohnaur, P.S. - Pandarak, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 30-04-2015

Heard learned counsel for the petitioners,
learned A.P.P. for the State and learned counsel for the
complainant.

The petitioners apprehend arrest in connection
with Complaint Case No. 5(C) of 2014 instituted under Sections
341/323/365 of the Indian Penal Code.

The allegation against the petitioners is that
they had abducted the complainant on 04.05.2012 and
thereafter she was forcibly married to the petitioner no. 1 and
on the intervention of the police, she was recovered on
27.05.2012. Later it is alleged that on 27.12.2013, the accused
came to the house of the complainant and tried to take her

forcibly which was resisted and then the present complaint has been filed.

Learned counsel for the petitioner submits that for an occurrence of 04.05.2012, the complaint has been lodged only on 02.01.2014 and the story narrated in the complaint is unbelievable. It is submitted that when the complainant had gone missing, her mother had lodged police case on 08.05.2012 being Pandarak P.S. Case No. 64 of 2012 against unknown persons and later on the girl was recovered from her sister's place and thereafter the statement of the complainant was also recorded under Section 164 of the Code of Criminal Procedure, 1973 in which she has stated that due to her parents not giving her money to buy books, she ran away to her sister's place and had requested her sister not to inform anybody and later on after talking to the parents on 26.05.2012 they had come with police on 27.05.2012 and had brought her back. Learned counsel submits that the police has thereafter submitted final form treating it to be a case of mistake of fact which was accepted by the Court. Learned counsel submits that the fact is that the petitioner no. 1 and the complainant had performed love marriage which was not accepted by the family of the complainant who was being kept by her family against her wishes due to which the petitioner no. 1 had instituted Matrimonial Case No. 268 of 2012 before the Principal Judge, Family Court, Nalanda under Section 9 of the Hindu Marriage

Act for restitution of conjugal rights. Learned counsel submits that the present case has been filed after an inordinate delay of about 19 months with the sole purpose to get the petitioner to withdraw the matrimonial case. It is further submitted that the petitioners have no criminal antecedent.

Learned A.P.P. and learned counsel for the complainant oppose the prayer for anticipatory bail. It is submitted that the complainant was made to record the statement before the Court at the behest of the police who was acting on the dictate of the accused and that the petitioners had in fact abducted her on 04.05.2012.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Barh, District-Patna in Complaint Case No. 05 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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