

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47492 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Himanshu @ Himasu Kumar @ Papu Paswan @ Pappu Paswan son of
Bagad Paswan, resident of Village- Manora, P.S.- Kalyanpur, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-11-2015 This is an application for grant of regular bail in favour

of the petitioner, who is an accused in connection with Kalyanpur
P.S.Case No. 29 of 2015 registered for the alleged offences
punishable under Sections 363, 366(A), 323, 504/34 of the Indian
Penal Code.

As per prosecution case, the daughter of the informant
did not return after participating in the meeting of “Jivika” on
16.01.2015. On the allegation that the petitioner had kidnapped
her for the purpose of marriage, the First Information Report was
instituted. The petitioner and the victim girl were recovered. The
statement of the victim was recorded under Section 164 Cr.P.C. on
08.04.2015.



Learned counsel for the petitioner, referring to the statement of the victim girl recorded under Section 164 Cr.P.C. that she has made allegation against co-accused Chandeshwar Thakur of committing rape. He submits that though the petitioner's name has also been mentioned in the said statement, the allegation against him is vague. He further contends, referring to Annexures 2 and 2/1 of the application, that the petitioner and the daughter of the informant were major and had got married out of their own free will, which was not acceptable to the family members. He contends that the statement of the victim under Section 164 Cr.P.C. has been made under coercion of the family members of the victim.

In view of the submission as above, this application is allowed.

Let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sadar at Motihari, East Champaran in Kalyanpur P.S. Case No. 29 of 2015.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to

appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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