

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42074 of 2016

Arising Out of PS.Case No. -162 Year- 2016 Thana -BARHARA District- PURNIA

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Dablu Kumar Paswan @ Dablu Paswan son of Poshan Paswan Resident of
Village-Ram Balak Nagar, P.S.-Barhara Kothi, District Purnea

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party : Mr. Arun Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-12-2016 Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in custody since 16.07.2016 in connection with Barhara P.S.Case No.162 of 2016 for offence alleged under Sections 366(A)/34 of the IPC although chargesheet has been submitted against the petitioner under Sections 363, 366, 494 and 120B/34 of the IPC.

The prosecution case is that the petitioner was instrumental in taking away the daughter of the informant for marriage to one Deepak Paswan and kept her confined in his sister's house at Katiya. The statement of the victim girl under Section 164 Cr.P.C. is also similar to what has been alleged.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He further submits that no overt-act has been alleged against the petitioner and the victim girl has been recovered on the date of incident itself. He further submits that chargesheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

From perusal of materials on record, it appears that chargesheet has already been submitted and the petitioner's release from custody would not adversely affect his trial. Thus, in the interest of justice and considering the period of custody, let the above named petitioner 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 Sri P.K.Bharti, learned Judicial Magistrate, Ist Class, Purnea in connection with Barhara P.S. Case No.162 of 2016.

It is further made clear that this direction for bail is further subject to the condition that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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