

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49198 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -KASMA District- AURANGABAD

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Pankaj Paswan Son of Sheo Prasad @ Sri Sheo Paswan Resident of village
- Teneri, P.S. Anti, District - Gaya (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.52967 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -KASMA District- AURANGABAD

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Bishunpat Das S/o Late Nathun Das, Resident of Village - Jakhim, P.O. -
Jakhim, P.S. - Rafiganj, District - Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.49198 of 2015)

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

(In Cr.Misc. No.52967 of 2015)

For the Petitioner/s : Mr. Krishan Pd. Singh, Senior Advocate
Mrs. Meena Singh, Adv.
Mr. Saket Kr. Singh.

For the Opposite Party/s : Mr. M. Rab (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 01-02-2016 Both the Criminal Misc. are of the same occurrence

and as such have been heard together and are being disposed of by

this common order.

Heard learned counsels for the petitioners and

learned A.P.P. representing the State.

The petitioners seek bail in connection with Kasma P.S. Case No. 51 of 2015 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

Allegedly, Lalita Devi the wife of the informant was kidnapped by Bishunpat Das due to land dispute. During investigation the victim lady appeared and gave her statement before police as well as in the court.

Submission is of false implication and that there was love affairs between the petitioner Pankaj Paswan and the victim lady, she went with him out of her own sweet will along with her child and after the release gave her statement before the police vide para 30 of the case diary stating that she went with petitioner Pankaj paswan out of her own sweet will but later on she changed her version in the court and stated otherwise that she was kidnapped and was brought at Surat where the petitioner Pankaj Paswan developed physical relationship with her, several witnesses have stated regarding love affairs vide paras 40, 41 and 42 of the case diary and as such the petitioner who are suffering in custody since 7.7.2015 deserve sympathetic consideration.

The learned A.P.P. on the other hand submits that the victim in her statement under Section 164 Cr.P.C., has stated that

she was kidnapped by the petitioner Pankaj Paswan and during captivity physical relation was developed with her by him.

In the facts and circumstances stated above, considering the contradiction in the statement of the victim girl and further considering other evidences that there was love affair between the petitioner Pankaj Paswan and victim lady, both the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Aurangabad, in connection with Kasma P.S. Case No. 51 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

siddharth/-

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