

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1960 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -KURSELA District- KATIHAR

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1. Mithun Kumar Paswan @ Mithun Paswan Son of Sonelal Paswan
Residents of Village- Kursela, P.S. Kursela, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Sri Anish Chandra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 13-02-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

The petitioner seeks bail in connection with Kursela P.S.
Case No. 103 of 2016 registered for the offences punishable under
Sections 363 and 365 of the Indian Penal Code.

Allegedly, four years old minor girl was kidnapped while
she was returning home and the petitioner being the old driver
took away the victim and sent the victim ultimately to Nepal from
where she was recovered.

Submission is of false implication and that with oblique
motive the name of the petitioner has been taken. The petitioner
has got no role in the kidnapping of the said girl. There is no eye
witness of the occurrence. The statement of the co-accused
Mukesh Mishra has got no value in the eye of law. Mukesh Mishra



has already allowed bail by the learned court below itself. Other co-accused have also been allowed bail and as the petitioner is suffering in custody since 12.08.2016 and as such he deserves sympathetic consideration as the girl has safely been recovered.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and further that there is no chance of tampering with the prosecution evidence and as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Katihar in connection with Kursela P.S. Case No. 103 of 2016, subject to the conditions that one of the bailors must be a 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 his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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