

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7161 of 2017

Arising Out of PS.Case No. -143 Year- 2016 Thana -SAHIYARA District- SITAMARHI

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1. Kamlesh Paswan, Son of Sri Upendra Paswan, Resident of village -
Sahiyara, P.S. Sahiyara, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-02-2017 Heard the parties.

This application has been filed in connection with Sahiyara
P.S.Case No.143 of 2016 for the offence under Sections 363,
366(A), 372, 373/34 of the Indian Penal Code.

The argument, as advanced by the learned counsel for the
petitioner, is that there is no case of kidnapping and the statement
of the victim girl has been recorded under Section 164 Cr.P.C. It is
further submitted that she has married with the petitioner and she
wants to live with him and in the statement, her age has been
assessed as 18 years. The petitioner is in custody since
13.11.2016.

Heard learned A.P.P. also.



Having heard both sides and in view of the statement of the victim girl under Section 164 Cr.P.C. and coupled with the fact that the petitioner is in custody for about three months, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Sitamarhi in connection with Sahiyara P.S.Case No.143 of 2016 .

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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