

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27551 of 2017

Arising Out of PS.Case No. -276 Year- 2016 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

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1. Sampat Paswan, Son of Late Baban Paswan, resident of Village-Gajoundha, P.S. Shivsagar District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 01.11.2016 in connection with Sheosagar P.S. Case No. 276/2016 for offences punishable under Sections 363, 366-A of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her daughter Chandani Kumari had gone to school along with cousin sister but did not return. On enquiry from Mala Kumari, she said that the victim Chandani Kumari had gone with Sampat Paswan (petitioner) in his Bolero vehicle.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there



was a love affair between the two and the victim girl eloped with the petitioner. He submits that although the Magistrate has assessed her age to be minor, but the Medical Board has assessed her age to be 17-18 years and, as such, she is a major. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that considering the period of custody a sympathetic view may be taken.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that the minor daughter of the informant was taken away by the petitioner and rape was committed on her, which has been supported by the victim girl.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sheosagar P.S. Case No. 276/2016, subject to the condition that both the bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the



concerned police station, who will file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J)

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