

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42999 of 2018

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Uday Paswan, S/o Ram Bilash Paswan, R/o Vill.- Bachhiya Bigha, P.S.-
Halsi, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 26-10-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Halsi P.S. Case No.86 of 2015 (Sessions Trial No.90 of 2016)** instituted for the offence under Section(s) 366(A) Indian Penal Code.

Prayer of the petitioner for bail was earlier rejected twice by co-ordinate Bench of this Court, lastly by order dated 16.08.2017 passed in Cr. Misc. No.33726 of 2017 with direction to Trial Court to expedite the trial and conclude the same as early as possible preferably within nine months.

Report has been received from the Trial Court from which it appears that case is still pending for alteration of Charge.

In the written report, there is allegation that this petitioner kidnapped minor daughter of the informant and



committed illegal act with her.

The victim girl in her statement recorded under Section 164 Cr.P.C. has supported the allegation against the petitioner.

Counsel for the petitioner submits that both petitioner and the victim have lived together as husband and wife and due to village politics petitioner has been implicated in this case. It further appears that no sign of rape was found in medical examination.

Since trial has progressed, this Court does not want to make any comment on the merit of the case.

However, considering the fact that petitioner is in custody since 19.10.2015, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the **Sessions Judge, Lakhisarai**, in connection with **Sessions Trial No.90 of 2016 arising out of Halsi P.S. Case No.86 of 2015**, subject to the condition that both the bailors shall be close relative of the petitioner.

The petitioner will remain present on each and every date of trial and his absence on two consecutive date(s) without



any reasonable cause will make his bail bond liable to be cancelled. Further, the petitioner will not intimidate the witnesses of the case and will not hamper the trial.

(Sanjay Priya, J)

**JA/-
Rohit Kr.**

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