

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.794 of 2019**

Arising Out of PS. Case No.-130 Year-2018 Thana- SINDHWARA District- Darbhanga

Vimal Paswan, son of Soman Paswan @ Sogan Paswan, Resident of Village -  
Kapurpatti, Rampura, Police Station - Singhwara and District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      28-01-2019                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Singhwara Police Station Case No. 130 of 2018, disclosing offences under Sections 363 and 366 of the Indian Penal Code.

The victim is a married lady. It appears from the order of learned 5<sup>th</sup> Additional Sessions Judge, Darbhanga, passed in A.B.P. No. 1509 of 2018, that the statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure, 1973. It is the case of the prosecution that the victim's husband resided in Bombay. The victim has stated in her statement under Section 164 of the Code of Criminal



Procedure, 1973, that the victim was told by the petitioner that he was going to Mumbai and she could accompany him, whereafter she had accompanied him. Instead of taking her to Bombay, the petitioner allegedly took her to Delhi, where she stayed for 06 days and thereafter, the petitioner forcibly solemnized marriage with her.

Learned Counsel appearing on behalf of the petitioner appears, prima facie, to be right in his submission that the case of the prosecution, as disclosed in the First Information Report, read with the story as narrated in the statement under Section 164 of the Code of Criminal Procedure, 1973 is highly improbable. He contends that it cannot be believed that the victim who had left the house for going to Bank and from there, on assurance given by someone would leave for Bombay to meet her husband without even informing her mother, the informant.

Considering the submissions so made, this application is allowed.

Let the petitioner, Vimal Paswan, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate – V,  
Darbhanga, in connection with Singhwara Police Station Case  
No. 130 of 2018, subject to the condition laid down under  
Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall  
present himself before the police/Court, as the case may be, as  
and when required and in the event of failure on his part to  
appear before the Court on two consecutive occasions, his bail  
bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

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