

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38542 of 2019

Arising Out of PS. Case No.-15 Year-2016 Thana- SINGHESHWAR District- Madhepura

1. AMIT PASWAN S/O Radhe Paswan
2. Radhe Paswan S/O Yugal Paswan
Both Resident of Village- Pahartola, P.S.- Meerganj, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363,365,34 of the Indian Penal Code registered in connection with Singheshwar P.S. Case No. 15 of 2016.

3. It is submitted that the petitioners have been falsely implicated on the accusation that they along with other co-accused persons have kidnapped the informant's son and forcibly married him to the daughter of petitioner no. 2. There is delay in lodging the F.I.R. on 01.02.2016 despite the informant having knowledge of his missing son in December 2015 itself. As a matter of fact, the informant's son and the



daughter of the petitioner no. 2 have solemnized love marriage, but being an intercaste marriage, the same did not find favour with the informant. This fact is evident from the subsequently F.I.R. being Mahila P.S. Case No. 66 of 2016 lodged by the daughter of the petitioner no. 2 under Section 498(A) IPC etc. against her in-laws, *inter alia*, stating that after her husband left with his cousins for preparing for competitive exams, she went to her matrimonial home where she was tortured, forcing her to return to her parental home. Co-accused Kartik Kumar has been granted bail by this Court in Cr. Misc. No. 49264 of 2016. The petitioners claim clean antecedents.

4. Learned APP refers to the case diary and suggest with reference to paras 29, 30, 37 of the case diary from which it transpires that the informant's son had voluntarily solemnized intercaste marriage with the daughter of petitioner no.2.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S.



Case No. 15/2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Prakash Narayan /-

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