

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63178 of 2018

Arising Out of PS. Case No.-20 Year-2017 Thana- Kauwakol District- Nawada

Madhusudan Paswan @ Budhan Paswan S/o Rajendra Paswan Resident of
Village- Gulni, P.S. Pakrityawan, District- Nawadah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Raj

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-03-2019 The prayer for bail of the petitioner was earlier

rejected vide order dated 09.01.2018 passed in Cr. Misc.

No. 54085 of 2017.

The petitioner has been made accused in Kawakole

P. S. Case No. 20 of 2017 dated 26.02.2017 which has

been instituted under Sections 366 (A) and 34 of the Indian

Penal Code.

Petitioner is in custody since 04.03.2017 and there

has not been any appreciable progress in the trial.

The petitioner along with the others is said to have

kidnapped the 12 years daughter of the informant. From the

narration made in the F.I.R., two things appear very clearly.



Even though the petitioner and others have been named in the F.I.R. by the informant with the allegation of the victim having been taken away forcibly but the case was lodged after two days of the occurrence. The second aspect of the matter which gets reflected from reading of the F.I.R. is that the informant knew the petitioner and others rather well.

Learned counsel for the petitioner has submitted that after the death of the parents of the petitioner, the petitioner had been residing in the village of the informant and under pressure and coercion from others, the daughter of the informant was made to marry the petitioner. In the statement under Section 164 Cr.P.C., the victim has also stated that one Lallan had subjected her to rape and had forcibly got her married to the petitioner. The victim has not alleged any physical misdemeanor against the petitioner.

Regard being had to the afore-stated facts, mainly, the period of custody of the petitioner and there being no appreciable progress in the trial and other accused persons having been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties
of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate at Nawadah in connection with
Kawakole P. S. Case No. 20 of 2017.

The petitioner shall participate in the trial and shall
do nothing to delay / derail the conclusion of the same.

(Ashutosh Kumar, J)

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