

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73801 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- LAKHISARAI District- Lakhisarai

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1. Bipin Paswan @ Bipin Kumar
 2. Munna Paswan @ Munna Kumar, Both are Sons of Surendra Paswan,
 3. Runa Devi, Wife of Surendra Paswan, All are Resident of Village- Jhakhad,
P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan,
Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363/120(B)/34 IPC and Section 8 of the POCSO Act, registered in connection with Lakhisarai P.S. Case No. 40/2018.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact it is a case of love affair between the informant's daughter and the petitioner no.1. Even though she has supported the prosecution case in her deposition recorded under Section 164 Cr.P.C., she has subsequently married the petitioner no.1 and is pregnant. Her age is stated to be 18 years in the medical report of Sadar Hospital, Ara. She has subsequently filed a petition before the DIG of Police, Munger, wherein she has stated that there was love affair between her and the petitioner no. 1. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, 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 ADJ Ist, Lakhisarai, in connection with Lakhisarai P.S. Case No. 40/2018, 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 co-operate 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. The petitioner nos. 1 and 2 shall remain physically present and petitioner no. 3 shall be well represented 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)

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