

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59815 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BHAGWANPUR District- Begusarai

RUPAK PASWAN Son of Shankar Paswan Resident of Village- Simapar,
P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Bhagwanpur P.S. Case No. 46 of 2019 registered for the offence punishable under Section 366(A) of the Indian Penal Code.

Informant is the father of victim, who in his written complaint has stated that on 09.03.2019 at about 9:00 AM his daughter, namely, Bhawana Kumari had gone to his neighbour's house on call and after returning she told her mother that she is going for taking bangles and thereafter she became traceless. On search being made by him, he came to know that one Alok Kumar has enticed her away to marry her.

It has been submitted on behalf of petitioner that



petitioner is not named in the FIR. His name has surfaced during course of investigation. It has been further submitted that occurrence took place on 09.03.2019 but FIR was lodged on 14.03.2019 after delay of five days without any explanation. She was medically examined by the Medical Officer who has assessed her age to be more than 20 years. However no sign of committing any recent sexual assault on the victim was reported in the Medical report. Petitioner has no criminal antecedent and is in custody since 21.05.2019.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Bhagwanpur P.S. Case No. 46 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner tampers with the evidence
or the witnesses of the case, in that case,
prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(S. Kumar, J)

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