

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.75626 of 2018**

Arising Out of PS. Case No.-2 Year-2018 Thana- KUDHNI District- Muzaffarpur

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Anil Paswan Son of Late Siya Saran Paswan, Resident of village- Sawania,  
P.S.- Aathmal Gola, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Respondent/s : Mr. Aditya Narayan Singh 1, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      15-01-2019                      Heard the learned counsel for the petitioners and  
  
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since  
16.04.2018 in connection with Kudhani P.S.Case No.02 of  
2018/G.R.No.11 of 2018 for the offence alleged under Sections  
363 and 365 of the Indian Penal Code.

The prosecution case as lodged by the informant is  
that his 11 years old daughter has disappeared from the house  
on 16.12.2017 and is not traceable. Accordingly, the FIR was  
lodged on 01.01.2018 registered on 02.01.2018.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, bears no criminal antecedent and  
the statement of the victim girl under Sections 161 of the Cr.P.C.  
and 164 of the Cr.P.C. is contradictory. He submits that the



petitioner does not bear any criminal antecedent and is in judicial custody since eight months and chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence by the petitioner. He further submits that the medical board assessed her age not to be 11 years as stated in the FIR but 18 to 19 years of age and the FIR has been lodged after a delay of 17 days and no plausible explanation has been given.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kudhani P.S.Case No.02 of 2018/G.R.No.11 of 2018 to the satisfaction of ACJM, 3<sup>rd</sup> (West), Muzaffarpur/Incharge successor court, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) Petitioner will appear before the learned court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J)**

B.Kr./-

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