

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81225 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

CHHOTU PASWAN Son of Amarjeet Paswan Resident of Village- Jemra,
Police Station- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rai Mukesh Sharma

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 21.4.2019 in a case registered for the offences punishable under Sections 366A and 366 of the I.P.C.

The prosecution case as per the written report of Manoj Mallik dated 4.4.2019 submitted to the SHO, Begusarai Town Police Station is to the effect that the minor daughter of the informant aged about 15 years, namely, Shivani Kumari went to see the result of matriculation examination on 26.3.2019 at 12.00 P.M. along with her friend Varsha Kumari. One Naresh Paswan conveyed that the daughter of the informant has been handed over to the maternal brother Chhotu Paswan (petitioner), Akash Paswan and their mother Jeevan Devi. Naresh Paswan also assured that his daughter will return very soon.



Consequently, the case was lodged.

It is submitted by learned counsel for the petitioner that for the occurrence of 26.3.2019, the FIR was registered on 4.4.2019. The victim girl returned of her own when she called her parents to the place where she was confined by this petitioner. In the 164 Cr.P.C. statement, the victim girl got her age recorded as 15 years, the Court assessed her age as 16 years whereas medical report suggests that she was aged between 15-16 years but no evidence of any sexual assault was found. It further appears from the statement under Section 164 Cr.P.C. that initially the victim went into the company of the petitioner of her own but ultimately she was confined by the petitioner in a room. It is further submitted that there is no accusation with regard to forcing her to any physical relationship. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner and he has forcefully confined the victim girl who was minor.

Considering the fact that investigation has already been concluded, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and



the period in custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Begusarai in connection with Town (Begusarai) P.S. Case No. 193 of 2019.

(Dinesh Kumar Singh, J)

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