

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21525 of 2020

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1. SANJAY PASWAN, (male) aged about 55 years, S/o- Lt. Soman Paswan
2. SULEKHA DEVI, (female) aged about 50 years, W/o- Sanjay Paswan
Both are R/o village- Basudeva, P.S.-Bangaon, District- Saharsa
... .. Petitioners

Versus

1. The State of Bihar.

... .. Opposite Party

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Appearance :
For the Petitioner : Mr.Kamal Kishore Singh, Advocate
: Mr.Anil Kumar
For the Opposite Party : Mrs.Dr.Indiwar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-08-2020 Heard Mr. Kamal Kishore Singh, learned counsel
appearing on behalf of the petitioners and Mrs. Dr. Indiwar
Kumari, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of anticipatory bail arises in
connection with POCSO Case No. 1 of 2020 arises out of
Bangaon P.S. Case No. 3 of 2020, registered for the offences
punishable under Sections 363, 366 (A)/34 of the Indian Penal
Code and Section 8 of the POCSO Act.

The petitioners are father and mother of co-accused
Bikram Paswan. It is alleged in the F.I.R. that the victim is a
minor.



Learned counsel appearing on behalf of the petitioners has drawn my attention to the statement of the victim recorded under Section 164 of the Cr.P.C., which has been brought on record by way of Annexure 2 to the present application to submit that the victim is not a minor. She has clearly deposed that she has married to the said Bikram Paswan and the allegation of kidnapping as disclosed in the F.I.R. is false.

Considering the statement of the alleged victim under Section 164 of the Cr.P.C., this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, 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 1st Addl. Sessions Judge-cum-Spl. Judge (POCSO), Saharsa in connection with POCSO Case No. 1 of 2020 arises out of Bangaon P.S. Case No. 3 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of



social-distancing.

(Chakradhari Sharan Singh, J)

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