

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28980 of 2020**

Arising Out of PS. Case No.-225 Year-2019 Thana- ROSERA District- Samastipur

VIKASH PASWAN @ SHANKAR PASWAN S/o Upendra Paswan Resident
of Village- Laxmipur, Ward No. -18, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Abhimanyu Sharma, Advocate

For the Opposite Party/s : Mr Nityanand Tiwary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2020

As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Nityanand Tiwary, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Rosera Police Station (for brevity, PS) Case No 225 of 2019 instituted for the offence



punishable under Sections 366/34 of Indian Penal Code.

Informant alleged that her daughter has been kidnapped by the petitioner and his mother for the purpose of solemnizing marriage. She has expressed apprehension that she may be subjected to flesh trade and done to death.

It is submitted by the petitioner's counsel, referring to the allegations made in the First Information Report (for brevity, *FIR*), that the victim has been missing since 08.05.2019. She was later seen moving with the petitioner near the Cinema Chowk and FIR discloses that thereafter, she has been travelling with the petitioner to other places also. The FIR has been lodged on 04.08.2019 after about 86 days. The aforesaid facts clearly suggest that the informant's daughter was in an intimate relationship with the petitioner and she has not stated true facts on account of pressure by the family members while making her statement under Section 164 of Criminal Procedure Code (Annexure 2). The petitioner is in custody now since 26.09.2019. He had surrendered in the Court below on that day, which shows his bona fide. There is no criminal antecedent of the petitioner, as per statement in the petition.

The learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Rosera at Samastipur in Sessions Trial No 677 of 2019 arising out of Rosera PS Case No 225 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

