

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29134 of 2020**

Arising Out of PS. Case No.-474 Year-2019 Thana- CHIRAIYA District- East Champaran

ARJUN PASWAN @ ARJUN KUMAR Son of Chandrika Paswan Resident
of Village- Bahuarwa, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Anita
Kumari, learned A.P.P. for the State.

This is second attempt of the petitioner to obtain
regular bail in connection with Sessions Trial No. 105 of 2020
arising out of Chiraiya P.S. Case No. 474 of 2019 registered for
the offences punishable under Section 363, 366(A), 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that after
noticing the arguments on behalf of the petitioner in the earlier
round that the girl has been recovered and except the allegation
that she was taken by the petitioner, she had not made any
allegation of overt act and that it was a case of love affair



between the parties and the petitioner has been in judicial custody since 28.09.2019, the learned predecessor Bench of this Court had given an observation that once the charge is framed, the petitioner will be at liberty to renew his prayer for bail.

Learned counsel for the petitioner submits that the charge has been framed in this case on 17.06.2020 but till date there is no progress in trial. The petitioner is in custody since 28.09.2019 and as such the petitioner may be enlarged on bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the submissions and the statement of the victim girl wherein she has stated that the petitioner had not committed any wrong with her and then in view of the observations of the learned predecessor Bench of this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, East Champaran at Motihari, in connection with Sessions Trial No. 105 of 2020 arising out of Chiraiya P.S. Case No. 474 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

