

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79525 of 2019

Arising Out of PS. Case No.-9 Year-2017 Thana- TARIYANI CHAPRA PS District- Sheohar

KAMALESH PASWAN Son of Pheku Paswan Resident of Village - Tajpur,
P.S.- Tariyani Chhapara, District – Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 363, 366A, 494, 376 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per allegation in the F.I.R., four named accused persons including the petitioner herein and also Ram Janam Paswan are said to have forcibly taken away the minor daughter of the informant on a motorcycle.

It is submitted by learned counsel for the petitioner that the daughter of the informant returned and her age was assessed by the Medical Board, which opined that she was between 18 to 20 years. In her statement under section 164 of



the Code of Criminal Procedure, she stated that she was in love with the co-accused Ram Janam Paswan and that she had gone with him out of her own free will and that the case of the petitioner stands on a better footing than co-accused Ram Janam Paswan, who has been enlarged on bail vide order dated 13.08.2018 passed in Cr. Misc. No.46793 of 2018.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the above stated facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Tariyani P.S. Case No.09 of 2017 is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sheohar, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J.)

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