

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14550 of 2021**

Arising Out of PS. Case No.-131 Year-2020 Thana- KATIHAR District- Katihar

VISHAL KUMAR PASWAN @ VISHAL PASWAN S/o- Jharo Paswan R/o-
Balu Tola Fasiya, P.S.- Nagar, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 22-06-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection Katihar Nagar P.S. Case No. 131 of 2020 registered for the offences punishable under Sections 363, 366(A), 341, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that although in the First Information Report there is an allegation that this petitioner and co-accused Rupesh had kidnapped the sister of the informant and the informant was assaulted by an iron rod but from the statements made before the learned Magistrate under Section 164 Cr. P.C. it would appear that the victim girl has not supported the alleged occurrence. The victim girl has stated that she had gone to her friend's house for study and the case has been lodged under misconception that she has been kidnapped.



Learned counsel further submitted that the petitioner has been admitted to anticipatory bail by this Hon'ble Court vide order dated 07.10.2020 passed in Cr. Misc. No. 23535 of 2020 but before passing of the order the petitioner was arrested and remanded to judicial custody.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that the victim girl was forcibly taken away by the petitioner and the co-accused Rupesh Paswan, however, the victim girl has made her statement under Section 164 Cr.P.C. that she had gone on her own on 14.02.2020 at 6:00 a.m. to the house of her friend but her family members thought that somebody has taken her away, the victim girl specifically states that she had gone on her own volition and had returned at 9:00 a.m. on the same day and no other occurrence had taken place with her, in fact the submission is that this Court had granted anticipatory bail to the petitioner vide order dated 07.10.2020 passed in Cr. Misc. No. 23535 of 2020 but unfortunately, according to learned counsel for the petitioner, the petitioner had been arrested prior to passing of the order by this Court and was remanded to judicial custody, the petitioner has remained in custody for over seven months, investigation against him is complete but the trial is not likely to



take place in near future and further this Court finds that learned Additional Sessions Judge IV who had heard the prayer for regular bail of the petitioner in the learned court below at Katihar has simply ignored the material facts which are very much available on the record, this Court directs release of the petitioner above named 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 Chief Judicial Magistrate, Katihar, in connection with Katihar Nagar P.S. Case No. 131 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

