

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21335 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- KAUWAKOL District- Nawada

Vikash Kumar Paswan S/O Kedar Paswan R/O Village-Darshan, P.S.-
Govindpur, District-Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2021 Heard learned counsel for the petitioner and Shri Ram
Sevak Choudhary learned A.P.P. for the State.

The petitioner is seeking regular bail in connection with Kawakole P.S. Case No. 414 of 2020 instituted for the offences under Sections 363, 366(A) and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner, at the outset, submits that the petitioner is a person with clean antecedent and is in custody since 23.12.2020 and is related to Vidyasagar Paswan @ Mukesh Paswan who is alleged to be the main accused in the present case.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant had alleged that on 15.12.2020 her



daughter aged about 17 years has been taken away by one Vidyasagar Paswan by pressing her mouth who came to her house along with some of his friends at about 10.30 in the night and when she came out of her house, she saw Vidyasagar Paswan pulling her daughter by holding her hand. Further, that 3-4 persons were also with him and earlier the informant had also warned the family members of the Vidyasagar Paswan about his ill-behavior.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Further since he is related to Vidyasagar Paswan as such the informant must be aware of the name of the petitioner because during the course of investigation it has come that the victim was found loitering around with Vidyasagar Paswan on which the learned counsel for the petitioner submits that it amply demonstrates that they were in relationship as she has reached the age of discretion.

Learned counsel further submits that the victim was medically examined where her age was assessed in between 17-19 years and no sign of violence was found on her person. Further, that the occurrence is alleged to have taken place on 15.12.2020 and the F.I.R. came to be registered on 18.12.2020 which itself demonstrates that the informant despite being an



eye-witness to the occurrence chose to remain silent as she was aware that her daughter was having friendship with Vidyasagar Paswan.

Learned counsel for the petitioner submits that the statement under Section 164 Cr.P.C. was recorded in which she has named one Vikash but the said Vikash is not the same Vikash who is before this Court as stated in paragraph '14' of the bail application.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 23.12.2020, he is a person with clean antecedent, nothing specific has been alleged against him and the charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Nawada in connection with Kawakole P.S. Case No. 414 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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