

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25429 of 2021

Arising Out of PS. Case No.-805 Year-2020 Thana- FATUA District- Patna

Kunadan Paswan, S/O Arvind Paswan, R/o village- Amhara, P.S.- Bihta,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav. Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 08-12-2021 The applicant/accused in Crime No. 805 of 2020 registered with Fathuha Police Station for the offences punishable under Sections 363, 365 and 366(A) r/w Section 34 of the Indian Penal Code at the instance of first informant Ranjeet Paswan, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is resident of some other village and he was arrested from the house. He is behind the bars from one year and therefore, he is entitled for bail.

The learned Additional Public Prosecutor opposed the application by contending that the applicant has kidnapped the victim female child and had forced her to marry him.

I have considered the submissions so advanced and also perused the case diary.

The incident of kidnapping a minor female child took place on 10.11.2020 and her father was reported on 12.11.2020



pointing out accusing finger at the applicant and his parents. Ultimately the victim female child appeared before the police station Bihta along with the applicant on 13.11.2020. In her statement under Section 164 of the Cr.P.C., she has stated her age as 15 years and had stated that the applicant had forcibly took her and married her. She further added that then she returned to the police station and she wants to go to her parents. The victim female child herself stated her age as 15 years.

The investigation is over. The applicant is already behind the bars from one year and hence, further pretrial detention of the applicant is not warranted. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 805 of 2020 registered with Fathuha Police Station for the offences punishable under Sections 363, 365 and 366(A) r/w Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the victim female child or relatives in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) The applicant should not tamper with the prosecution evidence.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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