

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30861 of 2021

Arising Out of PS. Case No.-455 Year-2020 Thana- SIKARPUR District- West Champaran

AMIKA PASWAN S/o Late Lalpat Paswan Resident of Block Road,
Jamuniya, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Shikarpur P.S. Case No. 455 of 2020 registered for the offences punishable under Sections 363, 366A, 354/34 of the I.P.C. and Sections 8, 12 of the POCSO Act.

According to prosecution case, on 25.08.2020 at about 4:00 AM., the informant's daughter went to bring flower in front of her house but the petitioner along with other accused, who were waiting there from before, forcibly kidnapped her daughter by a tempo. She further alleges that accused persons enticed her daughter to marry with Dhanraj Paswan. She further alleges that



Dhanraj Paswan had earlier teased her daughter.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that informant's daughter being major has left her house out of her sweet will due to love affairs with co-accused Dhanraj Paswan, who is son of the present petitioner. Learned counsel further submits that victim girl in her statement recorded under Section 164 Cr.P.C. stated that she has solemnized her marriage with co-accused Dhanraj Paswan. Petitioner is in custody since 20.09.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-7th cum Special Judge(POCSO), Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 455 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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