

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36958 of 2021**

Arising Out of PS. Case No.-94 Year-2019 Thana- BARGAINIA District- Sitamarhi

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SANOJ PASWAN @ SANOJ KUMAR @ LALWA @ LAPKA @ LAL
PASWAN S/O SAKHICHAND PASWAN R/O VILLAGE-BELAGANJ, P.S-
BAIRGINIA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms Sangeeta Sharma, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Bairginia Police Station
(for brevity, *PS*) Case No 94 of 2019 instituted for the offence
punishable under Sections 366A, 363/34 of Indian Penal Code
and Section 8 of Protection of Children from Sexual Offences
(for brevity, *POCSO*) Act.

It is alleged by the informant that his daughter has
been enticed away by the family members of the petitioner for
the purposes of marriage.

Learned counsel for the petitioner submits that
deposition of victim girl (Annexure 2) belies the prosecution



case regarding kidnapping. She has stated that she had gone on her own volition to her Mama's place. Falsity of the allegation is apparent from the fact that subsequently another case was also lodged, namely, Bairginia PS Case No 287 of 2019 wherein she was also examined and she has denied the allegations against the petitioner. He submits that under such circumstances, the petitioner, having no criminal antecedent, is in custody since 20.01.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV -cum- Special Judge, POCSO, Sitamarhi in Bairginia PS Case No 94 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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