

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39087 of 2020

Arising Out of PS. Case No.-245 Year-2019 Thana- MUNGER MUFFASIL District- Munger

VIKAS KUMAR @ VIKAS KUMAR PASWAN @ VIKASH KUMAR
PASWAN Son of Kishori Paswan @ Kishor Pawan Resident of Village-
Sharan Singh Tola, P.S. Muffasil, P.O. Nauagarhi, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautamm, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-03-2021 Let the supplementary affidavit filed on behalf of the
petitioner be taken on the record.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Muffasil P.S. Case No. 245 of 2019
registered for the offence under Sections 366 and 498 of the
Indian Penal Code.

Learned counsel for the petitioner submits that
although the allegation against the petitioner is that he had
kidnapped and forcibly taken away the daughter of the
informant but from the statements made by the daughter of the
informant it would appear that she had gone on her own volition



with the petitioner and had solemnized marriage with him. Before the learned Magistrate while making her statement under Section 164 Cr.P.C. she disclosed her age as 19 years.

Learned counsel for the petitioner submits that the daughter of the informant is major and in this regard the School Transfer Certificate issued by the In-charge Headmaster, Higher Secondary School, Nauagarhi, Munger has been brought on record showing the date of birth of the victim lady as 26.10.2000. Learned counsel further informs that the daughter of the informant is living in her sasural i.e. in the house of this petitioner and out of the wedlock with this petitioner she has given birth to a child.

Mr. Mehta learned A.P.P. for the State has after given consideration to the matter submits that now it seems that the relationship between the petitioner and the victim has gone ahead and they have got a child also from the wedlock.

Having regard to the facts and circumstances of the case, in the nature of the materials discussed above and further that petitioner has remained in jail for almost eight months, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course



of trial, let the petitioner above named be released 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 Additional District and Sessions Judge-cum-Exclusively Special Court (POCSO Act), Munger in connection with Muffasil P.S. Case No. 245 of 2019, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(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'.

