

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5917 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- AUANGARI District- Nalanda

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BABI PASWAN @ BABBY PASWAN SON OF RAJ KUMAR PASWAN
RESIDENT OF VILLAGE - AKBARPUR, POLICE STATION - HILSA,
DISTRICT - NALANDA AT PRESENT RESIDENT AT VILLAGE - KATRU
BIGHA, POLICE STATION - PARWALPUR, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Anil Kumar Singh, Advocate
For the State	:	Mr Rabindra Kumar, APP
For the Informant	:	Mr Uday Prasad, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 15-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*) for the
State.

The petitioner seeks bail in Aungari (Pirbiga OP)
Police Station (for brevity, *PS*) Case No 4 of 2020, GR No 51
of 2020 instituted for the offence punishable under Sections
366A/34 of Indian Penal Code (for brevity, *IPC*) but later on
added with Sections 302, 201, 376/34 of IPC and Section 8 of
Protection of Children from Sexual Offences (for brevity,
POCSO) Act.



Informant has alleged that his minor sister, aged about 14 years, was taken away by four persons while she had gone to get some firewood.

Learned counsel for the petitioner submits that allegation is that four persons have taken away the sister of the informant. However, he has named five persons including the petitioner. Three days after the occurrence, the same information was given. Further intimation has been given to the police regarding death of the informant's sister.

This Court had earlier called for the case diary. The same has been received and, therefore, the parties have assisted the Court with reference to the same.

Petitioner's counsel submits that from the material, collected during the course of investigation, it is obvious that the deceased was having intimacy with co-accused Raja Ram. Co-accused persons have been examined during investigation. None, however, has named the instant petitioner. The fact of intimacy between co-accused Raja Ram and victim has emerged based on the Call Detail Record. It is further submitted that the petitioner has no criminal antecedent. During investigation, at least five independent witnesses have stated about the victim girl being returned to the family by the co-accused Raja Ram, at



least one day prior to the occurrence. Death is due to throttling and suggests honour killing. In the aforesaid facts and circumstances, the petitioner is in custody since 13.01.2020.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail.

Considering the aforesaid, 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 VII – cum- Special Judge, POCSO Act, Nalanda at Bihar Sharif in connection with Aungari (Pirbiga OP) PS Case No 4 of 2020, GR No 51 of 2020 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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