

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5913 of 2021

Arising Out of PS. Case No.-970 Year-2019 Thana- NAWADA District- Nawada

Binay Kumar @ Binay Kumar Paswan, S/o Nityanand Paswan, R/o Village-
Sahebpur Kamal, P.S.- Sahebpur Kamal, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-06-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Town
P.S. Case No.970 of 2019 (S.T. No.83 of 2020) registered for the
offence punishable under Sections 341/323/504/506/363 of the
I.P.C., in which subsequently, Section 366 I.P.C. was also added.

The informant has alleged that his daughter has gone
missing in the morning of 16.08.2019, whereupon information



was given to the Police Station on the next day. The night patrolling party has identified and recovered the daughter of the informant thereafter. The petitioner himself allegedly told the informant that he had taken away his daughter. Under such circumstances, allegation has been made against the petitioner. Subsequently, the victim girl has been examined under Section 164 Cr..P.C.

Referring to the statement of the alleged victim girl, aged about 25 years, it is submitted by the petitioner's counsel that the same does not inspire confidence. He submits that the victim girl has stated that she was moving around and having food with the petitioner throughout the day and in the later part, she has alleged that the petitioner has assaulted her and has also committed physical abuse. It is submitted that the said statement is unreliable as she admits that throughout the day she was moving around and have food with the petitioner without raising any hue and cry. She was medically examined on 28.08.2019 after 12 days of the occurrence, wherein the Doctor has not found any material to support the allegation of any physical abuse or force. The petitioner having no criminal antecedents is in custody now since 02.02.2020.

Learned APP for the State has opposed the prayer for



bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 A.D.J.-XI, Nawada, in connection with Town P.S. Case No.970 of 2019 (S.T. No.83 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.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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