

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15379 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- MANSI District- Khagaria

Krishna Paswan, aged about 65 years, (Male) Son of Late Lal babu Paswan,
Resident of Village - Akaniya, P.S.- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Mrityunjay Kumar, learned counsel
appearing on behalf of the petitioner and Ms. Rita Verma,
learned APP for the State.

Petitioner, who is in custody since 02.10.2021, seeks
regular bail in connection with Mansi P.S. Case No. 253 of
2021, G.R. No. 2959 of 2021 registered for offences punishable
under Sections 363 and 366 of the Indian Penal Code.

The allegation against the petitioner is of kidnapping
the daughter of the informant for marriage.

Learned counsel appearing on behalf of the petitioner
submits that the victim, who is the daughter of the informant
was in love relationship with the co-accused Vir Paswan and no
role as alleged in the F.I.R. has been committed by the
petitioner. He further submits that the victim on her own free



will had eloped with the said Vir Paswan and thereafter they had performed their marriage and out of cohabitation, the victim has also conceived. Petitioner has clean antecedent and he is in custody since 02.10.2021.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner. She submits that in F.I.R, the age of the victim is 17 years. She was minor and as such strong case is made out against the petitioner, who was one of the associates of the main accused. However, victim has not made any allegation against the present petitioner of any assault to have been committed by him.

Having heard the rival submissions of the parties, the statement of the victim was recorded under Section 164 Cr.P.C. in which she has admitted that she was in love relationship with co-accused Vir Paswan with whom she has eloped and has also performed marriage and she has conceived a child about eight months. No specific allegation has been made against the petitioner that he had either assaulted the victim physically or sexually. Prima facie I am of the opinion that the petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 253 of 2021, G.R. No. 2959 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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