

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18608 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- MAJHAULIA District- West Champaran

SANTOSH PASWAN Son of Suneshwar Paswan Resident of Village -
Senuaria, P.S.- Majhaulia, District - West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4. 16-09-2022 Heard learned counsel for the petitioner, informant and learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Majhaulia P.S. Case No. 711 of 2021 under Sections 448, 341, 323 and 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution story, the allegation is that one Ranjeet Paswan as also other accused persons took away the minor daughter of the informant for solemnization of marriage with Ranjeet Paswan. Accordingly, the FIR in question was instituted.

In this case, case diary was called for on 27.07.2022 which has since been received.

Learned Counsel for the petitioner has also brought on record the statement made by the victim girl under Section 164 of the Cr.P.C.



As per the said statement, the victim girl has stated her age to be 19 years with further statement that she had gone on her own with Ranjeet Paswan and it has wrongly been alleged by her family members that she was taken by the accused persons. She further narrated that she want to go with her husband.

Learned counsel for the Informant, on the other hand, submits that contrary to the statement made by the learned counsel for the petitioner, the girl had been considered minor and is presently in the remand home and as such, he submits in view of the fact that the trial is going on, the petitioner does not deserve bail.

Taking into account the aforesaid facts including the statement made by the victim girl under Section 164 of the Cr.P.C. as also that the petitioner is the brother of the accused, Ranjeet Paswan, is in custody since 19.02.2022 and has no criminal antecedent, this Court is inclined to grant him privilege of bail subject to condition in view of the fact that the trial is going on.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional District & Sessions Judge -VI- cum- Special Judge, POCSO Act, West Champaran, Bettiah in connection with Majhauria P.S. Case No. 711 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

U		T	
---	--	---	--

