

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23490 of 2022

Arising Out of PS. Case No.-49 Year-2019 Thana- Hiramma P.S. District- Sheohar

=====

Ajay Paswan Son Of Lakhihder Paswan R/O- Chaita Chorma Harbolba, P.S.-
Chiraiya Pakridayal, District- Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nasim Yahya, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-08-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Sheohar Hiramma P.S. Case No. 49 of 2019 lodged under
Sections 363, 366A/34 of the Indian Penal Code but later on
charge sheet has been filed under Sections 363, 366A, 376 of
the Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution case, the petitioner has taken
away the daughter of the informant for the purpose of marriage,
on his instance this case has been lodged.

Learned counsel for the petitioner submits that this
case has been filed against four unknown persons and all four

are the family members of the petitioner. He further submits that Annexure-2 is the statement of the daughter of the informant in which age of daughter of the informant was shown as 20 years and the daughter of the informant herself narrated that the marriage was solemnized between petitioner and alleged victim. By the said marriage they have one child. He further states that daughter of the informant entered into the marriage with her consent and made allegation upon his father and mother about filing of the false case. She also deposed that she want to live with the sister of her husband (petitioner's sister).

Learned counsel for the State opposes the prayer for bail and submits that the Section 4 of the POCSO Act is there, therefore, his bail should be rejected.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Sheohar in connection with Sheohar Hiramma P.S. Case No. 49 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

ritik/-

U			
---	--	--	--