

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24063 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- MAINATAND District- West Champaran

MAHESH PASWAN S/o Late Hari Hazara R/o Village Sakraul, P.S. Inarawa,
Dist. West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mainatand P.S. Case No. 29 of 2021 registered for the alleged offences under Sections 363 and 366 (A) of the Indian Penal Code and Section 8 of POCSO Act.

As per prosecution case, the petitioner and other co-accused person kidnapped the minor daughter of the informant for the purpose of her marriage after giving her inducement and she took away four pieces of gold jewellery.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The victim girl has recorded the statement under Section 164 of the Cr.P.C., whereas she has stated that she herself left her house and went to the house of co-accused Dharmraj Paswan. She did not name this petitioner or other co-accused person. After investigation, the police submitted final form against the petitioner and co-accused persons and charge-sheet was submitted only against the co-accused Dharmraj Paswan @ Subodh Paswan, who was granted bail by a Coordinate Bench vide order dated 12.05.2022 passed in Cr. Misc. No. 5269/2021. Other co-accused persons have been granted anticipatory bail vide order dated 22.07.2022 passed in Cr. Misc. No. 66416/2021. Despite submission of final form against the petitioner, the learned court below took the cognizance in this case and the petitioner is in custody since 27.02.2022.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that police did not find the case true against this petitioner and also considering grant of anticipatory/regular bail to the similarly placed co-accused persons and period of custody of the petitioner, the petitioner



above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-7th -cum- Special Judge (POCSO) West Champaran at Bettiah in connection with Mainatand P.S. Case No. 29 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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