

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35018 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- SHAHKUND District- Bhagalpur

Karan Paswan Son of Hari Paswan Resident of Village - Rajanpur, P.s.-
Sajour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner seeks regular bail in connection with
POSCO Case No. 52 of 2022 (arising out of Shahkund (Sajour)
P.S. Case No. 317 of 2021 lodged under Sections 366(A), 385,
506, 34 of the I.P.C. read with Section 8 POCSO Act.

As per the prosecution case, the kidnapping was
alleged to be made for the purpose of marriage. There are in
total 9 persons have been made accused by the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner and the alleged victim have solemnized

marriage and it transpires from the F.I.R. itself as the alleged date of occurrence is 18.04.2021, whereas the present F.I.R. has been lodged after lapse of about 5 months that is on 22.11.2021. Learned counsel for the petitioner submits that upon recovery, the alleged victim girl have been produced in the Court and Court has released the girl in favour of the petitioner's family and in paragraph 8 and 11, it has been clearly stated that the victim is married with petitioner and neither she is residing in the parental house of the petitioner with dignity and respect. Learned counsel for the petitioner further submits that petitioner is in custody since 01.02.2022 having no criminal antecedent.

Learned counsel for the State opposes the prayer for bail.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Sri M.P. Singh, the learned Exclusive Spl. Judge (POCSO) -cum- 7th Addl. District & Sessions Judge, Bhagalpur in connection with POCSO Case No. 52 of 2022 (arising out of Shahkund (Sajour) P.S. Case No. 317 of 2021, 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 be resulted into cancellation of his bail bond.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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