

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36803 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BELA District- Sitamarhi

Ashok Paswan S/o Late Shivnath Paswan Resident of Village-Naranga, P.S.-
Bela, District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar, Adv.
For the Opposite Party/s :	Mr. Khurshid Anwar, APP
For the Informant :	Mr. Pushpendra Kumar Singh, Adv. with Smt. Divya Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2022 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.

The petitioner seeks regular bail in connection with
Bela P.S. Case No. 74 of 2022 lodged under Sections 363,
366(A)/34 of the I.P.C. read with Section 8 of POCSO Act.

As per the prosecution case, there is allegation of
kidnapping of minor girl for marriage in the F.I.R.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that in this case the police has submitted the final form
against the present petitioner as mistake of facts which is
Annexure- 2 of the petitioner. Learned counsel for the petitioner

further submits that there is a discussion in the order sheet of the Special Court about the statement under Section 164 of Cr.P.C. by which the alleged victim girl has admitted to marriage and denied her kidnapping. He further submits that she is happily residing with the petitioner. Learned counsel for the petitioner further submits that the petitioner has clean antecedent and he is in custody since 01.04.2022, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is a liar and he has made a false statement before his Court. He specifically submitted that the antecedent of the petitioner is not clean

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 learned A.D.J- VI, cum Special Judge (POCSO) Sitamarhi in connection with Bela P.S. Case No. 74 of 2022, 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.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

The Trial Court is directed to verify the criminal antecedent of the present petitioner. If it has been found that there are criminal antecedent of the petitioner then in that case the bail bond furnished by him shall order to be cancelled.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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