

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44319 of 2022

Arising Out of PS. Case No.-255 Year-2020 Thana- MUFFASIL District- West Champaran

Harinarayan Paswan, Son Of Late Prem Paswan @ Prem Hajara, R/O Village-
Gauripur Majharia, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 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.

In the present case, the petitioner seeks bail in
connection with Bettiah Muffasil P.S. Case No. 255 of 2020
registered for the alleged offences under Section 366(A) of
the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the minor daughter of the
informant left her house with some boy. Thereafter, he used
to call the informant on mobile phone but later on her calls
stopped and the informant showed her apprehension that some
unfortunate thing might happen to her daughter. The name of
the petitioner transpired as the person with whom the



daughter of the informant fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR and no allegation of any ill treatment has been levelled against him. The FIR has been lodged after delay of two months and there is no reasonable explanation for the same. Learned counsel further submits that the real fact of the case is that the daughter of the informant eloped with the petitioner as there was love affair between them. The matter has unnecessarily been given the angle of kidnapping. The daughter of the informant has married with the petitioner and she has given birth to a daughter. The daughter of the informant had gone with the petitioner on her own and she was major at that time. Learned counsel further submits that even in her statement recorded under Section 164 Cr.P.C., the learned trial court assessed her age to be 19 years and she has clearly stated that she went away with the petitioner and solemnized marriage in Delhi and she became pregnant. The petitioner is in custody since 12.06.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail submitting



that the daughter of the informant was minor when she was enticed away by the petitioner.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the daughter of the informant which is reflected from her statement recorded under Section 164 Cr.P.C. and further considering the clean antecedent of the petitioner along with his period of custody as well as submission of charge-sheet against him, 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 6th Additional District Judge-cum-Special Judge, POCSO, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 255 of 2020, 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 for 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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