

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57317 of 2021

Arising Out of PS. Case No.-107 Year-2018 Thana- PARIHAR District- Sitamarhi

Deepak Kumar Paswan @ Deepak Kumar, Son of Sikindra Paswan @
Sikandra Paswan, Resident of village - Parsandi, P.S.- Parihar, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 20-07-2022 The applicant/accused in Crime No. 107 of 2018

(Sessions Trial No. 89 of 2021) registered with Parihar Police
Station for the offences punishable under Sections 363, 366(A),
376, 372 and 379 r/w Section 34 of the Indian Penal Code, by
this application is seeking his release on bail during pendency of
the trial.

Earlier bail application of the applicant was rejected
by my learned predecessor with a liberty to the applicant to
renew his request if the trial is not concluded within a period of
six months from today. It is reported that as of now there is no
progress in the trial despite this order dated 23.06.2020.

Heard both sides.

The learned Additional Public Prosecutor opposed the



application by contending that the female child involved in this case was about 13 years of age as her date of birth is 13.03.2005.

I have considered the submissions so advanced.

The FIR of the subject crime is undisputably registered on the basis of an order passed by the learned Magistrate under Section 156(3) of the Cr.P.C. on the basis of private criminal complaint lodged by father of the victim girl. He alleged in the said complaint that all accused persons including the present applicant had kidnapped his minor daughter and forcibly took her in a Bolero vehicle for subjecting her to illicit intercourse or prostitution.

The victim female child came to be recovered by police. Her statement is recorded by the learned Judicial Magistrate wherein she has stated her age as 20 years. She further disclosed to the Magistrate that she wanted to marry the applicant and to reside with him as she was subjected to cruel treatment by her ex-husband. She further disclosed that her parents are opposing her intended marriage with the applicant but she wants to reside with the present applicant.

In her statement under Section 164 of the Cr.P.C., the victim has not disclosed that she was subjected to rape or illicit



intercourse. She has stated that of her own she has joined the company of the applicant.

Considering this nature of the evidence against the applicant/accused, as there is no progress in the trial further pretrial detention of the applicant is not warranted. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 107 of 2018 (Sessions Trial No. 89 of 2021) registered with Parihar Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Bhardwaj/-

U		T	
---	--	---	--

