

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54930 of 2022

Arising Out of PS. Case No.-518 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Jagdish Paswan, son of Rampahal Paswan, resident of village- Ram Nagar
Hasana Kothi, P.S.- Gayghat District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-12-2022 Heard Mr. Sanjay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Satyendra Prasad, learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Muzaffarpur Town P.S. Case No. 518 of 2021, for the offence
punishable under Sections 363, 365, and 34 of the Indian Penal
Code.

The prosecution case, in brief, is that the informant
has lodged the F.I.R. against the accused persons including the
petitioner, who is the father of the co-accused Vishal Paswan
and Sonveer Paswan.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is an old man and allegation is against
his two sons named in the F.I.R. The victim girl had already



married the son of the petitioner-Chotu @ Vishal Paswan and in such circumstances, in absence of any overt act alleged against the petitioner, the petitioner deserves to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and he has further submitted that in Paragraph No. 3 of the supplementary affidavit, the victim girl namely Nandan Kumari has made her statement under Section 164 of Cr.P.C. The same is required to be verified as it appears from the statement of the victim girl that she is 18 years old and in such circumstances has opposed the grant of bail of petitioner.

Having perused the allegation made in the F.I.R, it appears that the allegation is against two sons of the petitioner in which the victim girl had eloped with one of his son namely Chotu @ Vishal Paswan. From the statement made in Paragraph No. 3 of the supplementary affidavit filed on behalf of the petitioner, it appears that the victim girl has already married with the son of the petitioner and she had deposed that she wants to live along with his son namely Chotu @ Vishal Paswan and she ran away with said Vishal Paswan on her own will without any coercion. She had further made her statement that her father-in-law(petitioner) and her mother-in-law are innocent.



Prima facie, it appears that petitioner has made out a case to be enlarged on bail. However, the Court below is directed to verify the statement made in Paragraph No. 3 of the supplementary affidavit with respect to the statement of the victim recorded under Section 164 of the Cr.P.C. It is however, made clear that the Court should also see as to whether the victim as well as the son of the petitioner are major. In such circumstances after verification and satisfaction of the Court, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 518 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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