

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56676 of 2022

Arising Out of PS. Case No.-394 Year-2019 Thana- MAHUA District- Vaishali

Vikki Paswan @ Vikki Kumar Son Of Bharat Paswan R/O Village -
Samaspura, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363,
366(A), 365, 34 of the I.P.C.

According to prosecution case, in brief is that on
12.07.2019 the minor daughter of informant had gone to
purchase some clothes from the Mahua maker and in that course
she had kidnapped away on a vehicle by Raushan Kumar, Sonu
Paswan, Mithu Paswan, Kanchan, Durgesh, Mukesh Paswan
and Ajay Paswan. It is alleged that they were threatening the
informant since earlier that her daughter will be kidnapped.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the name of petitioner was not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that in fact the victim and the co-accused namely, Raushan Kumar was in love and they have performed marriage and the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner was accompanied with the co-accused persons and the petitioner has no role at all in the present occurrence.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahua P.S. Case No. 394 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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