

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56881 of 2022**

Arising Out of PS. Case No.-150 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. AKALU PASWAN S/o- Bilat Paswan R/o Village- Bajitpur P.S- Bajpatti District- Sitamarhi
2. Kaushalay Devi W/o- Akalu Paswan R/o Village- Bajitpur, P.S.- Bajpatti, District- Sitamarhi
3. Bablu Paswan @ Rakesh kumar S/o- Akalu Paswan R/o Village- Bajitpur, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-12-2022                      Heard learned counsel for the petitioners 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 petitioners apprehend their arrest in a case  
registered for the offences punishable under Sections 363,  
366(A) of the Indian Penal Code.

According to prosecution case, in short, as contained  
in written report of the informant Raktu Sah, is that the co-  
accused Raja Paswan has kidnapped away his daughter and  
when the informant came to know that his daughter was at his



house, then he along with others went at his house and the accused persons, assured him to return his daughter till evening. When the informant went in the evening to his house, then the accused persons denied to return his daughter and when the informant tried to take out his daughter from the house, accused Babloo Paswan and others of his caste threatened the informant and others. It is alleged that his daughter is minor and the accused persons kept her at their house by giving threat to her. It is also alleged that the accused persons refused to return the informant's daughter.

Learned counsel for the petitioners submits that petitioner nos. 2 and 3 have clean antecedent but petitioner no.1 carries one criminal antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the son of the petitioner no.1 has performed marriage with the victim girl. He further submits that the victim girl recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she has performed marriage with the son of the petitioner no.1 namely, Raja Paswan and she has not stated anything against these petitioners. He further submits that petitioners have falsely been implicated in the case only on the



ground that the petitioner no.1 is father, petitioner no.2 is mother and petitioner no. 3 is brother of the co-accused person namely, Raja Paswan.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.1 carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bajpatti P.S. Case No. 150 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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