

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68400 of 2021

Arising Out of PS. Case No.-480 Year-2019 Thana- BIDUPUR District- Vaishali

Arvind Paswan Son of Pawan Paswan Resident of Village- Mahnar Tara Chauri, Ward No. 16, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bidupur P.S. Case No. 480 of 2019 registered for the offence under Sections 363, 366, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 23.09.2021.

The allegation against the petitioner is to kidnap the wife of the informant, who is major, mother of three children with the purpose of illicit intercourse.



Learned counsel appearing on behalf of the petitioner submitted that if the version of the F.I.R. believed to true, clearly it is a case of 498 of I.P.C. It has further been submitted that it is being admitted position, as it appearing from statement recorded under Section 164 of Cr.P.C. that it is not a case of sexual assault and reason of lodging the present case is only land dispute. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim is major, married woman and mother of three children.

Considering the facts and circumstances as mentioned above, as this is not a case of sexual assault with admitted position of land dispute and as per statement of the victim recorded under Section 164 Cr.P.C., the petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bidupur P.S. Case No. 480 of 2019 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali / concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Lala Paswan, who is the Uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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