

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69095 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BALIGAON District- Vaishali

Dharmendra Paswan S/o Late Sakal Paswan R/o village- Bela Sandhan, P.S.-
Baligaon, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Baligaon P.S.
Case No. 82 of 2021 registered for the offence under Sections 363,
366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.09.2021.

The allegation against the petitioner is to kidnap the
daughter of the informant, aged about 18 years, for the purpose of
illicit intercourse, along with other co-accused persons/family
members.

Learned counsel appearing on behalf of the petitioner
submitted that on the date of occurrence, alleged victim was major,



aged about 18 years, what appears from the bare perusal of the F.I.R. itself. It is further submitted that there is no allegation of sexual assault as well as kidnapping against this petitioner, as per statement of victim recorded under Section 164 of the Cr.P.C. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as victim negate the allegation of kidnapping and sexual assault against this petitioner, while recording her statement under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Baligaon P.S. Case No. 82 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of J.M. 1st Class, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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