

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7557 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- Begusarai Muffasil District- Begusarai

SAHNASH PASWAN Son of Pashupati Paswan R/V- Lakho Chakki Tola,
Ward no. 12, P.S- Muffasil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Patil, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 18.08.2022 in connection with Muffasil P.S. Case No. 238 of 2022, F.I.R. dated 12.05.2022 for the offences punishable under Sections 366, 366(A), 504, 506 and 34 of the Indian Penal Code.

3. The allegation is regarding the petitioner and other co-accused persons having enticed and taken away the minor daughter of the informant with oblique intention.

4. 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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R..



He further submits that the petitioner is cousin brother of co-accused namely Sunny Kumar who was in love with the victim and it appears from statement of the victim which was recorded under Section 164 of Cr.P.C. that there is no allegation of acquisition against the petitioner and merely on the basis of suspicion petitioner has falsely been implicated in the present case. He further submits that similarly situated, co-accused namely Sunny Kumar against whom the allegation that he was accompanied with the victim has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 12.01.2023 passed in Cr. Misc. No. 50405 of 2022. He further submits that the police after investigation submitted the sheet against the petitioner and the petitioner is in judicial custody since 18.08.2022.

5. Learned counsel for the APP for the State has vehemently opposed the prayer of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 Additional Sessions Judge-1st, Begusarai in connection with Muffasil P.S. Case No. 238 of 2022, subject to 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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