

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26325 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- BALIYA District- Begusarai

Shivchandra Paswan Son Of Ram Rakshi Paswan Resident of Village
Ambedkar Nagar PO Lakhminiyan , PS Balia Distt Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sagar Suman, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-05-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel assisted by Mr. Sagar Suman, learned Counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Balia P.S. Case No. 239 of 2022 offences dated 01.09.2022
punishable under Sections 363, 366A and 34 of the Indian Penal
Code.

3. The prosecution story, in brief, is that the petitioner
and co-accused named in the F.I.R. had kidnapped minor
daughter of the informant by hatching a conspiracy.

4. Mr. Yogesh Chandra Verma, lerned senior Counsel
appearing on behalf of the petitioner submits that the informant



and the petitioner are of same village and the case of kidnapping has also been lodged by the petitioner, who is the maternal grandfather of the missing child subsequent to the lodging of the F.I.R. by the informant, who has also alleged that the grand-son of the petitioner and other co-accused named in the F.I.R. kidnapped the minor daughter of the informant. Learned counsel further submits that no case under Section 366A of Indian Penal Code is made out against the petitioner. Learned counsel further submits that petitioner is innocent and there is every chance that the daughter of the informant and the minor grandson of the petitioner were in some sought of relationship.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation made against the petitioner, who is co-resident of the same village and the main allegation appears to be against co-accused namely, Prince Kumar, who is the grandson of the petitioner. The investigation reveals that the daughter of the informant and the grandson of the petitioner are still missing and police has not taken serious steps to recover them till date. Petitioner has clean antecedent. It appears that petitioner has made out a, *prima facie*, case to be released on pre-arrest bail.



7. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I, Begusarai in connection with Balia P.S. Case No. 239 of 2022, subjection to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Superintendent of Police, Begusarai is directed to take all steps to recover the two minor children and the petitioner will co-operate in the investigation.

9. The present bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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