

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25675 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- HARLAKHI District- Madhubani

MANOJ PASWAN SON OF LATE UTTIM PASWAN RESIDENT OF
VILLAGE- SISAUNI, PS- HARLAKHI, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 22.12.2022 seeks
bail, in connection with Harlakhi P.S. Case No.119/2022, dated
03.05.2022, for the offences punishable under Sections 363,
366(A) of the IPC.

3. According to prosecution case, the petitioner is
alleged to have abducted the daughter of the informant and also
snatched golden mangalsutra from her neck.

4. Learned counsel for the petitioner submits that the
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 in fact the petitioner is maternal uncle of co-accused namely Aditya Paswan and Aditya Paswan was in love with the victim and he has committed rape upon the victim. He further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C., in which, she has categorically stated that co-accused has stayed in the residential house of the informant at Delhi and there is no accusation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he along with other co-accused have committed crime in question and victim has stated that she has stayed for sometime in the residential house of the petitioner at Delhi and the bail application of co-accused namely Aditya Paswan who is nephew of the petitioner was rejected by this Hon'ble Court vide order dated 17.07.2023, passed in Cr. Misc. No. 22869/2023.

6. Considering the aforesaid fact that the petitioner is



maternal uncle of the co-accused namely Aditya Paswan and the accusation of rape is against co-accused and there is no accusation of any assault or overt act attributed against the petitioner, 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 A.C.J.M.-II, Benipatti, Madhubani in connection with Harlakhi P.S. Case No.119/2022, 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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