

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27660 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- GHORASAHAN District- East
Champaran

=====

UMASHANKAR PASWAN @ BAILA Son of Rajendra Paswan @ Bhanu
Paswan Resident of village - Shripur Kabaiya, P.S. - Ghorasahan, Distt. - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 24.02.2023 seeks
bail, in connection with Ghorasahan (Jharokhar) P.S. Case No.
92/2023, dated 23.02.2023, for the offences punishable under
Sections 342, 323, 363, 366A, 379, 504, 34 of the IPC &
Section 8 POCSO Act.

3. According to prosecution case, the petitioner is
alleged to have abducted the minor daughter of the informant
for the purpose of marriage.

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. In fact the petitioner was in love with the victim and they have solemnized their marriage in temple at Ghorasahan and the petitioner has not committed anything wrong with her. He further submits that the medical report also does not support that the petitioner has sexually assaulted the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari in connection with Ghorasahan (Jharokhar) P.S. Case No. 92/2023, 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)

amit/-

U		T	
---	--	---	--

