

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31441 of 2023

Arising Out of PS. Case No.-373 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

VIPIN PASWAN @ SURAJ PASWAN Son of Shankar Paswan Resident of
Village - Naudiha, P.S.- Chainpur, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
POCSO Case No. 03 of 2023 corresponding to Chainpur P.S.
Case No. 373 of 2019 registered for the offences under sections
363 and 366(A) of the Indian Penal Code subsequently added
section 376 of the Indian Penal Code and section 4 of the
POCSO Act lodged on 22.10.2019 by the informant, Kamlesh
Paswan.

As per the prosecution story, the informant's minor
daughter had gone to attend the call of nature, but she did not
return. Upon search, it was found that Vipin Paswan @ Suraj
Paswan (the petitioner herein) kidnapped her with the intention
to marry her. Accordingly, the FIR.



The contention of the learned Counsel for the petitioner is that the couple got married and already blessed with a child and in any case, now the charges have been framed and he has remained in custody for more than 2 ½ years since 08.01.2021 (paragraph 10 of the bail application). Further, the petitioner will abide by all the terms and conditions, if granted bail.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that allegation is of taking away the victim girl and forcibly marrying with her.

Considering the period of custody (08.01.2021), charges have been framed and ultimately will have to face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Court of Spl. Judge POCSO cum ADJ -VI, Kaimur in connection with POCSO Case No. 03 of 2023 corresponding Chainpur P.S. Case No. 373 of 2019, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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