

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39996 of 2023**

Arising Out of PS. Case No.-338 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

Om Prakash Paswan Son Of Jay Magal Paswan Resident Of Village- Semara,
Sagardina (SAGARDIN), Ps- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363 and 365/34 of the Indian Penal Code and Section 8 of the POCSO Act pending in the learned court below.

3. As per the prosecution case, petitioner with conspiracy to other co-accused persons kidnapped the minor daughter of the informant by covering her mouth and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner is the maternal uncle (mama) of the Mahesh Paswan. He submits that there is no specific overt act against the petitioner. He further submits that the occurrence took place on 01.05.2022 and FIR lodged on 11.05.2022 there is delay of 10 days in filing of the present



F.I.R. and there is no any explanation about it which creates serious doubt about prosecution case. He submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she stated that she went away with her own will and she has not named the petitioner to take any role in the alleged occurrence. He further submits that petitioner has got five criminal antecedents as stated in para-3 of the bail application.

5. Learned APP for the State opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioner, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Motihari Muffasil P.S. Case No.338/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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