

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40497 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- BARUN District- Aurangabad

SONU KUMAR @ SONU PASWAN S/O BRIJDEO PASWAN @ VRIJDEO PASWAN R/O Village- Khambha, Pipra, P.S- Mali, Distt.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Saroj Paswan S/O Late Kashi Paswan R/O Village- Mahavir Ganj, P.S- Barun, Distt.- Aurangabad, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rupa Kumari, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mrs. Rupa Kumari, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is in custody since 14.3.2023 in connection with Barun P.S. Case No. 114 of 2023 for the offence punishable under Sections 363, 366(A) of the I.P.C. lodged on by the informant .

The prosecution story, in brief, is that the informant namely Saroj Paswan gave a written application on 09/3/2023 stating there in that on 27/2/23, there was marriage ceremony of the daughter of his brother, namely, Birendra Paswan. On 28/2/2023 at 1.30 in the night, the daughter of the informant was found missing. Accordingly, search was started whereafter it



came to knowledge that Sonu Kumar, who is motorcycle mechanic has kidnapped his minor daughter and also raised suspicion about murder of his daughter and on that basis, the present case has been lodged.

It has been submitted by learned counsel for the petitioner that the victim girl subsequently appeared and made statement under section 161 of the Cr.P.C. as also 164 of the Cr.P.C. in which, she narrated that she along with the petitioner went to 'Gajnadham' temple where they got married and thereafter, they went to Surat.

Upon knowledge of FIR, they returned when the police arrested the present petitioner. These facts have been narrated in para-12 of the present bail petition.

Further, the girl chose not go with the parents, she was sent to Women Safety Home.

It is her further submission that the victim was not medically examined and as such the allegation of rape can also not be attributed.

Further, there is inordinate 12 days delay in lodging of the FIR which clearly shows that the petitioner has been falsely implicated in this case.

Learned APP opposes the prayer stating that the



victim girl was minor at the time of occurrence.

Considering all the aforesaid submission put forward by the learned counsel as also the statement of the victim girl and that he is in custody since 14.3.2023 and further do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 learned Additional District and Sessions Judge cum Special Exclusive Judge (POCSO), Aurangabad, Bihar, in connection with Barun P.S. Case No. 114 of 2023 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 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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