

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41229 of 2022

Arising Out of PS. Case No.-518 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Mina Devi W/o Jagdish Paswan Resident of Village - Ram Nagar, Hasana
Kothi, P.S.- Gayghat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Muzaffarpur Town P.S. Case No.518 of 2021, registered for
the offences punishable under Sections 363, 365, and 34 of
the Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 10.07.2021 at around 10:00 am, daughter of the
informant went to coaching institute and did not return. It is
alleged that the accused, Vishal Paswan and Sonveer Paswan
kidnapped her with ill intent when she was returning from
the coaching institute.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further refers to the statement of the alleged victim as recorded under Section 164 of Cr. P.C., as per which, she has clearly stated that she had fled away with the accused Chhotu @ Vishal Paswan, son of the present petitioner because her parents were getting her married elsewhere. It has further been stated by the alleged victim that she has married the main accused Chhotu @ Vishal Paswan and as per the Order sheet of Ld. Trial Court, she has been allowed to live with her husband/co-accused Chhotu @ Vishal Paswan in his home. He further submits that age of the alleged victim as per the assessment of the Ld. Magistrate is above 18 years. However, as per the documentary proof, she was only above 16 years of age at the time of alleged occurrence. Though she may be technically minor, she was mature enough to understand the import of her step. He also submits that there is no allegation that she has been forcibly taken away or enticed away by any accused. He also submits that Investigation in this case is complete and charge-sheet



has already been submitted.

He further submits that the petitioner has been languishing in jail since 18.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Muzaffarpur in connection with Muzaffarpur Town P.S. Case No.518 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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