

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47544 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- OBRA District- Aurangabad

Dipak Paswan @ Deepak Paswan Son Of Late Lalan Paswan Village Bharub
Bigha, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.10.2022 in connection with Obra P.S. Case No. 407 of 2022,
F.I.R. dated 12.10.2022 for the offences punishable under
Sections 366(a), 494/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with co-accused person have kidnapped the daughter of the
informant with intention to marry her.

4. Learned counsel for the petitioner submits that
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 offences as alleged in the



F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 07.10.2022 but the present F.I.R was instituted on 12.10.2022 i.e. after delay of 5 days without giving any explanation of the said delay. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution and she has refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.10.2022.

5. The learned Additional Public Prosecutor 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 Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 407 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

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