

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48769 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- BIRPUR District- Supaul

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Balram Paswan Son Of Sahdev Paswan @ Satyadev Paswan Resident Of
Village-Baidyanathpur, P.S.-Birpur, District-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-08-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Birpur (Bhimnagar O.P)
P.S. Case No. 55 of 2023 dated 16.02.2023 registered for the
offence punishable u/s 363 and 365, 366A, 370A and 376 read
with 34 of the Indian Penal Code and Section 4, 6 and 8 of the
POCSO Act.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have kidnapped the minor



daughter of the informant for the purpose of selling her.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted that the victim in her statement recorded u/s 161 of the Cr.P.C. has stated that she solemnized marriage with the co-accused Raja Paswan on her own will and she has not supported the factum of the FIR, but in Section 164 of the Cr.P.C she has stated that she was sold for Rs. 7 lacs and was raped by the co-accused person. It is further alleged that the victim has denied to undergo medical examination and has made different version in her statements under Sections 161 and 164 of the Cr.P.C. regarding the alleged crime which makes this case highly doubtful. There is no statutory compliance of Section 164A of the Cr.P.C. The petitioner is accused in three other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 31.03.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul in connection with Birpur (Bhimnagar O.P) P.S. Case No. 55 of 2023, with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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