

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50695 of 2023

Arising Out of PS. Case No.-840 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Mukesh Paswan Son Of Harkit Paswan @ Hartik Paswan R/O-Ramsella
Bhurkol, P.S.-SADAR, Distt.-DARBHANGA Petitioner/s
Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
26.02.2023 in connection with Darbhanga Sadar P.S. Case No.
840 of 2022, F.I.R. dated 09.12.2022 for the offences punishable
under Sections 363 and 366(A) of the Indian Penal Code.

4. According to prosecution case, co-accused, Dhiraj
Kumar Paswan intruded into the house of the informant and
kidnapped the informant's daughter along with the ornaments
and cash. It is further stated that other accused persons including
this petitioner also helped in committing this crime.

5. 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 petitioner has no concern at all in the present occurrence and it has come during investigation that the daughter of the informant was in love with the co-accused, Dhiraj Kumar Paswan. 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 particularly stated that she has gone with the co-accused, Dhiraj Kumar Paswan with whom she was in love and she has not stated anything regarding the petitioner. He further submits that as per the allegation alleged in the F.I.R., the petitioner had only accompanied with the co-accused, Dhiraj Kumar Paswan. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 Chief



Judicial Magistrate, Darbhanga in connection with Darbhanga
Sadar P.S. Case No. 840 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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