

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51995 of 2023

Arising Out of PS. Case No.-304 Year-2018 Thana- BATHNAHA District- Sitamarhi

Raju Paswan Son Of Pramod Paswan Resident Of Village - Madanpatti, Ward
No.14, Police Station - Dumra, District - Sitamadhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bathnaha P.S. Case No. 304 of 2018 for the offence punishable under Sections 363, 366(A) and 34 of the I.P.C. lodged on 19.11.2018 by the informant, Satya Narayan Paswan.

As per the prosecution story, the allegation is that the locals have seen the informant's daughter with the petitioner and upon enquiry, the informant was abused and further he has apprehension that she might be kidnapped for the purpose of selling.

It is the case of the petitioner that the victim girl had disappeared on her own sweet will to get married to one Umesh Paswan with whom she tied nuptial knot at 'Janki Mandir', Sitakund on 24.11.2018 and affidavit to this effect has been



annexed (Annexure-2 to the petition).

Further submission is that at best his role can be of having helped her for which he has already faced the consequences by having remained in custody since 10.5.2023 (para- 11 of the petition).

Learned APP opposes the prayer stating that the allegation is against him of kidnapping the girl.

Taking into account the submission put forward by the learned counsel for the petitioner and a perusal of the Annexure- 2 that the victim girl has married one Umesh Paswan, FIR lodged, ultimately he will have to face the trial and is in custody since 10.5.2023, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No. 304 of 2018 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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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