

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10143 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- DHURAIYA District- Banka

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KALLU PASWAN @ KAILASH PASWAN S/O Rameshwar Paswan
Resident Of Village - Vishanpur, P.S. - Dhauriya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 22-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 366A, 504 and 506 read with Section 34 of the Indian Penal Code.

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

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The main



allegation is against the co-accused Pradeep Paswan. Learned counsel has further submitted that the petitioner was made accused in the case only because he is the father of the co-accused Pradeep Paswan. Both the parties have compromised the case. The FIR does not indicate that the victim was kidnapped to have illicit intercourse with another person. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the victim is still traceless.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka in connection with Dhauraiya P.S. Case No. 240 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with a condition.

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

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