

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69797 of 2023**

Arising Out of PS. Case No.-599 Year-2022 Thana- GAYA MUFASIL District- Gaya

Dipu Paswan @ Deepu Paswan Son Of Ram Bilash Paswan @ Motka Paswan
Resident Of Village- Gandhi Nagar, Ps- Mufassil, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with POCSO Case No. 47 of 2023 arising out of Gaya Mufassil P.S. Case No. 599 of 2022 registered on 12.08.2022 for the alleged offences under Sections 363, 366(A) of the Indian Penal Code.

03. As per prosecution case, the daughter of the informant went missing and while looking for her, the informant came to know that the petitioner kidnapped her with intention to marry.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is relative to the victim girl and he is her



uncle. During the course of investigation, the victim girl returned home with her maternal uncle. The statement of the victim girl was recorded under Section 164 Cr.P.C., in which she clearly stated that she called the petitioner and went to her maternal grandmother's house where she stayed for 3-4 days, but she did not inform her parents. In view of the statement of the victim girl, no offence under any of the Sections mentioned in the F.I.R. is made out against the petitioner. Learned counsel further submits that petitioner has got criminal antecedent of two cases and in both of the cases he is on bail. The petitioner is in custody since 13.08.2023.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioner enticed away the minor daughter of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya in connection with POCSO Case



No. 47 of 2023 arising out of Gaya Mufassil P.S. Case No. 599
of 2022 subject to the conditions mentioned in Section 437(3) of
the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence for three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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