

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68151 of 2022**

Arising Out of PS. Case No.-117 Year-2017 Thana- MADHEPUR District- Madhubani

Mannu Paswan Son of Laxman Paswan @ Lakshman Paswan Resident of
village - Rupauli, Ward No.- 2, P.S.- Madhepur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
01.02.2020 in connection with S.T. No. 201 of 2021 arising out
of Madhepur P.S. Case No. 117 of 2017, F.I.R. dated 09.07.2017
for the offences punishable under Sections 363 and 366A of the
Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons have kidnapped the minor daughter
of the informant.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that it has come during investigation that the daughter of the informant was in love with one Ramesh Paswan and she eloped with him. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Raushan Kumar Paswan @ Gulchan Kumar @ Raushan Paswan and Laxman Paswan @ Lachhaman Paswan have been granted bail by a Co-ordinate Bench of this Court vide order dated 12.04.2021 passed in Cr. Misc. No. 38320 of 2020. The petitioner is in custody since 01.02.2020.

Vide order dated 24.03.2023 a report was called with regard to the present stage of trial. Report dated 01.04.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner on 25.08.2022 under Section 363 and 366A of the Indian Penal Code but the prosecution had not produce any witness as yet.

Learned counsel for the petitioner further submits that in view of the report of the learned Trial Court, the trial is not



likely to be concluded in the near future.

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

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 Additional Sessions Judge III, Jhanjharpur, Madhubani in connection with S.T. No. 201 of 2021 arising out of Madhepur P.S. Case No. 117 of 2017, subject to the following conditions:-

1. 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.

2. 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.

3. 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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