

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70825 of 2022**

Arising Out of PS. Case No.-443 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Sharvan Kumar Paswan @ Sharvan Paswan S/o Bindeshwar Paswan R/v-
Aami, P.S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 74423 of 2022

Arising Out of PS. Case No.-443 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Raj Narayan Paswan @ Bipatiya Paswan Son of Vikau Paswan Resident of
Vill.- Aami, P.S.- Sadar, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70825 of 2022)

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 74423 of 2022)

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Petitioners seek bail where petitioner no. 1 is in



custody since 21.10.2022 and petitioner no. 2 is in custody since 17.09.2022 in connection with Sadar (Darbhanga) P.S. Case No. 443 of 2021, F.I.R. dated 16.10.2021 for the offences punishable under Sections 366A/34 of the Indian Penal Code and Sections 8 and 12 of POCSO Act.

According to prosecution case, the petitioners along with other accused persons allured the victim girl and kidnapped her with bad intention and then left her with the accused Babloo Paswan.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners are transpired during investigation. He further submits that in fact, the victim was in love with the co-accused person, namely, Babloo Paswan and the petitioners have not committed any wrong with the victim. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has particularly stated that the petitioners have not committed any wrong with the victim. He further submits that the victim has refused for medical examination. He further submits that the police after



investigation submitted the charge sheet against the petitioners.

The petitioner no. 1 is in custody since 21.10.2022 and petitioner no. 2 is in custody since 17.09.2022.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO Act) Darbhanga in connection with Sadar (Darbhanga) P.S. Case No. 443 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Vanisha/-

U		T	
---	--	---	--

