

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71693 of 2022

Arising Out of PS. Case No.-376 Year-2018 Thana- MUNGER MUFFASIL District- Munger

SHYAM KISHORE PASWAN @ PAPPU @ SHYAM KISHORE KUMAR
S/O Buto Paswan @ Bhuneshwar Prasad Das R/O Bhagat Chowki, P.S-
Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Muffasil Police Station Case No. 376 of 2018 dated
21.10.2018, disclosing offences under Sections 366-A/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

The allegation against the petitioner, on the basis of
the First Information Report, is that the petitioner along with
other accused persons abducted the minor daughter of the
informant with intention to marry her.

Learned Counsel for the petitioner submits that the
petitioner is brother-in-law of Gulshan Kumar, who along with
his friends, for the purpose of solemnizing marriage with one



Uday Kumar, called the girl. The victim girl was recovered and her statement was recorded under Section 164 of Criminal Procedure Code on 05.02.2019, stating therein, that she was kidnapped by one Uday Kumar, who was studying in the coaching along with other three unknown persons and kept her confined in room in the village, but no one has committed any illegal act with the victim. Learned counsel next submits that during the course of investigation, finding no material against the petitioner, the police accelerated the petitioner and submitted the final form not sending the petitioner for trail, but the learned Magistrate differed with the police report and took cognizance against the petitioner on 19.10.2022. Learned counsel next submits that the co-accused, Gulshan Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court in CWJC No. 28685 of 2019 dated 17.07.2019.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the police after investigation submitted final form not sending the petitioner for trail and the co-accused Gulshan Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Exclusive Special Judge (POCSO Act)-cum-Additional Sessions Judge VI, Munger, in connection with Muffasil Police Station Case No. 376 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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