

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1366 of 2023

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

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Babloo Paswan Son Of Ramvriksha Paswan @ Ghuran Paswan R/O Village-
Aami, P.S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
01.09.2022, in connection with Sadar P.S. Case No. 443 of
2021, F.I.R. dated 16.10.2021 registered for the offences
punishable under Sections 366A/34 of the Indian Penal Code
and Sections 8/12 of the POCSO Act.

Allegation against the petitioner is that he along with
co-accused persons namely Narayan Paswan along with accused
Sharvan Paswan allured the victim girl and kidnapped her with
bad intention.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and no such occurrence had taken place. He further submits that the statement of the victim girl was recorded under Section 164 Cr P.C. in which she has categorically stated that no one has abducted her and no one has committed any wrong with her and she refused for medical examination.

Learned counsel for the petitioner further submits that in view of the aforesaid, no case is made out under Section 366(A) of the Indian Penal Code and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner but fairly submits that the victim has refused for her medical examination and she has not stated anything against the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge (POCSO Act), Darbhanga, Bihar in connection with Sadar P.S. Case No. 443 of 2021, 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 witness, 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 antecedents, 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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