

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12627 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- BAUNSI District- Banka

Nikhil Kumar Paswan, (Male), aged about 19 years, S/O Dev Nandan Paswan @ Dev Nandan Pasvan R/O Village- Sirai, P.S.- Bounsi, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Bounsi P.S. Case No.-268 of 2023 registered for the offence under Sections 366(a) and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, it is a case of kidnapping of the daughter of the informant by the accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 18.09.2023.



5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the first information report and impugned order dated 12.01.2024, it appears that the petitioner is named in the FIR by mother of the victim and also appears that the age of the victim at the time of occurrence is 17 years and two months and para-18 of the case diary, wherein she stated that she has love affair with the petitioner for the last two years and she went away with him with her own consent, in these circumstances, prayer for bail is allowed. Let the petitioner, above named, is directed to be released on bail ***after framing of the charge*** in connection with Special POCSO Case No.114 of 2023 (arising out of Bounsi P.S. Case No 268 of 2023) on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the above named petitioner shall be



released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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