

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30793 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Upendra Paswan Son of Late Babu Lal Paswan Resident of Village- Dighi
Khurd, P.S- Hajipur Sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Hajipur Sadar PS. Case No.-535 of 2023, registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that there is allegation of kidnapping of minor daughter of the Informant against the Petitioner and his family members. It is further alleged that they have abused and threatened the informant.

4. Ld. counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that as per the written report, it is not the Petitioner who has seen that Rohit Kumar has enticed away his minor daughter. He further submits that in fact, the alleged victim is major and above 19 years of age as per her Adhaar Card. She was in love with Rohit Kumar. She left her parental home to marry Rohit Kumar and they also got married. Hence, no offence is made out.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of Ld. C.J.M.-Vaishali at Hajipur, in connection with Hajipur Sadar PS. Case No.-535 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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