

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37597 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BANDEYA District- Aurangabad

Sukesh Paswan, son of late Ram Pravesh Paswan, R/O Village- Manjathi,
P.S- Bandeya , District- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahina Khatoon, Wife of Sabir Ansari, R/O - Village - Manjathi, P.S-
Bandeya , Dist- Aurangabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rupa Kumari, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bandeya P.S. Case No. 11 of 2024, registered for the alleged offences under Section 363, 365 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing and subsequently the petitioner was apprehended for being involved in her kidnapping and the charge sheet was submitted under Sections 363 and 365 of the Indian Penal Code.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. The statement of victim girl was recorded wherein she has completely absolved the petitioner from any wrong doing. The victim girl voluntarily left her house due to her love affair with the petitioner and she went to Delhi and stayed there for a month. When she came to know about lodging of the FIR, she returned with the petitioner, which shows that there was no kidnapping of the daughter of the informant. The victim girl recorded similar statement before the police as well. The petitioner is in custody since 07.04.2024 and is having clean antecedent.

5. Learned APP opposes the submission made on behalf the petitioner. However, learned APP concedes that in the statement recorded under Section 164 Cr.P.C., the victim girl has completely absolved the petitioner from any wrong doing.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C. and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to 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 Additional Sessions Judge-VI-cum-Special Exclusive
Judge, POCSO Act, Aurangabad, in connection with Bandeya
P.S. Case No. 11 of 2024, subject to the following conditions :

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

V.K.Pandey/- **(Arun Kumar Jha, J)**

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