

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43112 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Nitish Kumar Paswan Son of Ganga Paswan R/O- Vill-Mohanpur, P.S.-
Goradiah, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hriday Paswan Son of Late Shahdeo Paswan R/O- Vill- Mohanpur, P.S.-
Goradiah, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jagdishpur (Goradiah) P.S. Case No. 157 of 2023 dated 05.04.2023 registered for the offences punishable u/s 366A, 34, 120B and 504 of the Indian Penal Code and Section 08 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have kidnapped the minor daughter of the informant. They forcibly got the minor daughter of the informant seated on the motorcycle and took her to *Hawrah Railway Station*.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is love affair between the victim and the petitioner *Nitish Kumar Paswan*. On the bare perusal of the statement of victim under Section 164 of the Cr.P.C. it is mentioned that she travelled by train with the petitioner on her own will. It is submitted that no alarm has been raised by the victim girl while she was being taken to *Hawrah Railway Station*. It is further submitted that there is nothing on record showing that the victim was forced to have illicit intercourse with another person. There is general and omnibus allegation against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 24.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner and the period of custody the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Bhagalpur in connection with Jagdishpur (Goradiah)
P.S. Case No. 157 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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