

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46155 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- BIRPUR District- Supaul

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Arun Paswan S/O Lt. Urichand Paswan R/O Village-Baidyanathpur,P.S.-
Birpur, Distt-Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Umanath Mishra

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

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Birpur (Bhimnagar O.P) P.S. Case No. 55 of 2023 dated 16.02.2023 registered for the offence punishable u/s 363 and 365 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of selling her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. The other co-accused person has



already been granted bail by this court *vide* order dated 09.08.2023 passed in Cr. Misc. No. 48769/2023. Learned counsel further submitted that the victim in her statement recorded u/s 161 of the Cr.P.C. has stated that she solemnized marriage with the co-accused Raja Paswan on her own will and she has not supported the factum of the FIR, but in Section 164 of the Cr.P.C she has stated that she was sold for Rs. 7 lacs and was raped by the co-accused person. It is further alleged that the victim has denied to undergo medical examination and has made different version in her statements under Sections 161 and 164 of the Cr.P.C. regarding the alleged crime which makes this case highly doubtful. The specific allegation is against the co-accused Raja Paswan. There is no statutory compliance of Section 164A of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the victim is a minor girl.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of the learned court concerned, Birpur, Supaul in connection with Birpur (Bhimnagar O.P) P.S. Case No. 55 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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