

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47742 of 2024

Arising Out of PS. Case No.-661 Year-2023 Thana- GHORASAHAN District- East
Champaran

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AWANISH KUMAR @ AVINASH KUMAR @ AWANISH KUMAR
PASWAN SON OF MUNNILAL PASWAN @ MUNILAL PASWAN
VILLAGE- BARAKA PAKARI, P.S.- LAKAURA, DISTT.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. KIRAN KUMARI D/O- GENALAL RAY R/O- SEMRI, P.S.-
LAKHAURA, DISTT.- EAST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

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

ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Ghorasahan (Lakhaura)
P.S. Case No. 661 of 2023 dated 22.11.2023 registered for the
offences punishable under Sections 363, 366A and 34 of the
Indian Penal Code and Section 8 of the POCSO Act.

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 marriage.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the possession of the petitioner. There was love affair between the petitioner and the victim. The victim in her statement recorded under Section 164 Cr.P.C. has stated that when she was walking outside then suddenly one person came on bike and threw some intoxicating medicine upon her from handkerchief due to which she became unconscious, later she was found herself at Ludhiyana Railway Station in unconscious stage. It is impossible for the petitioner to take her to Ludhiyana Railway Station while the victim was unconscious condition. Learned counsel has further submitted that there is nothing on record which shows that the victim was forced to have illicit relationship with another person. The occurrence took place on 19.11.2023 but the FIR was lodged on 22.11.2023 and there is no explanation for this delay. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.11.2023

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

6. Considering the aforesaid facts and circumstances of the case as well as 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran in connection with Ghorasahan(Lakhaura) P.S. Case No. 661 of 2023, with a 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 bond of the petitioner will liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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