

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56463 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA P.S BAGHA District- West
Champaran

=====

Rahul Paswan @ Rahul Kumar Son Of Late Jatan Paswan Resident of Village
- Kailash Nagar, Ward No. - 4, P.S. - Bagaha (Patkhauli), District - West
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Durgawati Devi W/O Shambhu Yadav R/O Village- Kailash Nagar, Ward
No. 4, P.S- Bagaha, (Patkhauli), Distt.- West Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP
For the Informant	:	Mr. Bipin Kumar, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-11-2024 Heard learned counsel for the petitioner, learned

APP for the State, learned counsel for the informant and perused

the case diary.

2. The petitioner seeks bail in connection with Bagaha
Mahila P.S. Case No. 27 of 2023, instituted for the offences
punishable under Sections 363, 366(A), 504, 506/34 of the
Indian Penal Code and Sections 4/8 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons kidnapped the minor
daughter of the informant. It is further alleged that the accused
persons threatened them that if they ask to return their daughter



then they will kill their daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner also submits that there is inordinate delay of two months in lodging the FIR. The matter is related to love affair, the petitioner and victim have solemnized marriage and are living in Mumbai happily. It is further stated that the victim in her statement recorded under Section 161 Cr.P.C. has stated that they are now married and she wants to live with him. The victim on her own will went with the petitioner and no forceful act has been mentioned against the petitioner by the victim. The petitioner is in custody since 18.11.2023 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bagaha Mahila P.S. Case No. 27 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

