

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55542 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- HARLAKHI District- Madhubani

Sahdev Ram @ Sahdev Paswan Son of Late Sonelal Ram Resident of Village-
Behata, P.S.- Benipatti, Distt.- Madhubani Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Md Soban Asghar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2024 Heard Md. Soban Asghar, learned counsel for the

petitioner and Mr. Nand Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Harlakhi P.S. Case No. 119 of 2022, F.I.R. dated 03.05.2022 for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

3. According to prosecution case, the daughter of the informant was kidnapped by 3-4 miscreants who came from Scorpio car and they also assaulted the informant and snatched her mangalsutra.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R



and he has been made accused in the present case only on the ground that the petitioner is father of the co-accused, Aditya Kumar Paswan. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the petitioner. He further submits that the similarly situated co-accused, namely, Jagataran Devi who is wife of the petitioner has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27.09.2024 passed in Cr. Misc. No. 63891 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, co-accused has been granted bail by a Co-ordinate bench of this Court and the victim has not stated anything about the petitioner in her statement recorded under Section 164 of the Cr.P.C., let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate 1st Class, Benipatti, Madhubani in connection with Harlakhi P.S.



Case No. 119 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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