

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55904 of 2024

Arising Out of PS. Case No.-261 Year-2021 Thana- KALYANPUR District- East Champaran

Ashok Paswan Son of Gagandeo Paswan @ Gagandev Paswan R/O Vill.-
Bahlolpur, P.s.- Kalyanpur, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kanti Devi Wife of Nil Kishore Ram R/O Vill.- Bahlolpur, P.s.- Kalyanpur,
Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 341,
363, 366-A, 504, 506 and 34 of the Indian Penal Code read with
Sections 4, 6 and 8 of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner in connivance with other accused took her
minor daughter aged about 17 years on pretext of attending
nature's call on 01.10.2021 at about 07:00 PM and when her
daughter did not return, she went to the house of the petitioner



to inquire when she was abused by Birendra.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the informant. It is next submitted that victim is a major and she was in love with the petitioner and they eloped and even performed their marriage and out of the wedlock, a child was born. It is next submitted that though in the FIR, it is alleged that victim is a minor, but then no documentary evidence has been brought on record in terms of Section 94 of the Juvenile Justice Act with regard to the date of birth of the victim. It is next submitted that the statement of the victim was recorded under Section 164 Cr.P.C wherein she has not supported the case of the prosecution. It is further submitted that the informant, realizing her mistake and on intervention of well wishers, has compromised the case with the accused persons including the petitioner as would manifest from the compromise dated 06.04.2024 (*Annexure-2* to the anticipatory bail application).

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 261 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify from the informant with regard to the genuineness of the compromise and in the event if the informant disputes the compromise, the present anticipatory bail order shall not be given effect to.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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