

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58638 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SAKATPUR District- Darbhanga

Naveen Paswan @ Raveen Paswan Son of Late Ghuran Paswan R/O Vill.-
Gangoli Kanakpur, P.S.- Sakatpur, Dist.- Darbhanga. Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sakatpur PS Case No. 31 of 2024 for the offences punishable under Sections 363, 366A, 504/34 of the IPC, lodged on 29.04.2024 by the informant, Rekha Devi.

3. As per the prosecution story, the informant alleged that on 18.02.2024, the daughter had gone out to fetch water but was kidnapped by the petitioner's son, as she failed to return, she went out to the petitioner who ensured that she would return soon, on 28.04.2024 she returned whereafter, the son of the petitioner again came along with other accused persons, abused her daughter and tried to take her again but due to the local people, could not do so. This led the FIR against the petitioner's son and other accused person.

4. Learned counsel for the petitioner submits that perusal of the FIR would show that it was against his son as also



other unknown accused who had visited on the second occasion on 28.04.2024. From the FIR itself, it shows that the petitioner was present in his house and has also had conversation with the informant on the day (18.02.2024), allegedly, the daughter was kidnapped. He submits that his son, Shiva Paswan is in custody and only as an afterthought, the petitioner has been implicated alleging that he was also the part and parcel of kidnapping and had taken the girl away along with his son and the wrong doing has also been attributed by the girl to both father/son.

5. Learned counsel for the informant, on the other hand, submits that a perusal of the learned Sessions Judge's order would show that both the petitioner and his son were responsible for the kidnapping of the girl and due to the fear of their assault, there was delay of two months in lodging of the FIR.

6. Having gone through the facts of the case and the materials on record as also the submissions of the parties, the fact remains that the girl disappeared on 18.02.2024. For two months, no FIR was lodged. Once she returned on 28.04.2024 and the petitioner's son tried to take away her daughter, the FIR which was lodged in which it has been specifically stated that on 18.02.2024 when



the girl failed to return, the informant had approached the petitioner who was present in his home. Even in the FIR lodged two months later, Shiva Paswan and accused persons who had stormed the house of the informant two months later on 28.04.2024 have been named but the petitioner is not named.

7. From the aforesaid facts and though there is subsequent statement of the victim girl under Section 164 CrPC, taking into account the aforesaid developments/facts as also that the petitioner is in custody since 27.05.2024 and the son Shiva Paswan is already in custody, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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