

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1252 of 2024

Arising Out of PS. Case No.-656 Year-2022 Thana- GRIYAK District- Nalanda

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Birmani Kumar Paswan S/o Bilas Paswan R/o Village Malti P.S. Asthawan
Dist Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

53 03-04-2024 Heard Mr. Rajeev Kumar, learned counsel for the

petitioner and Mr. Pramod Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.07.2023 in connection with POCSO Case No. 10 of 2023
arising out of Giryak (Katrisarai) P.S. Case No. 656 of 2022,
F.I.R. dated 27.12.2022 for the offences punishable under
Sections 365, 366A/34 of the Indian Penal Code and Section 4/6
of the POCSO Act.

3. According to prosecution case, all the accused
persons including this petitioner have enticed the daughter of
the informant and kidnapped her.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that in fact the victim was in love with the
co-accused, namely, Mithun Nut. He further submits that the



victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner along with other accused persons have kidnapped her and the co-accused, namely, Mithun Nut has performed marriage with her and thereafter, established physical relation with her. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Tantan Kumar against whom there is similar allegation has been granted bail by this Court vide order dated 07.08.2023 passed in Cr. Misc. No. 32655 of 2023 and other co-accused, namely, Niraj Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.01.2024 passed in Cr. Misc. No. 1732 of 2024. The petitioner is in custody since 25.07.2023.

5. The 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 and the similarly situated co-accused persons have been granted bail, let the petitioner, above named, 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 VII Additional Sessions



Judge-cum-Special Judge, POCSO, Nalanda at Bihar Sharif in connection with POCSO Case No. 10 of 2023 arising out of Giriyak (Katrisarai) P.S. Case No. 656 of 2022, subject to the 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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