

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4523 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- SITAMARHI District- Sitamarhi

Bhawichhan Paswan @ Bibhishan Paswan, aged about 55 years, Gender- Male, S/O Bhajan Paswan @ Rambhajan Paswan, R/O- Village- Bhup Bhairo, P.S. - Sitamarhi, District – Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate

For the Opposite Party : Mr. Md. Iftexhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 29-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 337 of 2023 dated 28.04.2023 registered for the offences punishable under Sections 363 and 366A/34 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons alongwith 3-4 unknown persons are alleged to have kidnapped the minor daughter of the informant for the purpose of illegal act.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been



recovered either from the conscious possession of the petitioner or from his house. It is further submitted that there was love affair between the victim and the co-accused Santosh Kumar and the victim out of her own will went with the petitioner for the purpose of marriage with him. Learned counsel for the petitioner has filed a supplementary affidavit on behalf of the petitioner annexing the xerox copy of the order dated 22.05.2024 of the learned court below. In the said supplementary affidavit the learned court below has mentioned that on query made by the learned court below the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she wants to go to her *Sasural*. It is further submitted that there is nothing on record to show that the victim was forced to have intercourse with any person. There is general and omnibus allegation against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Sitamarhi in connection with Sitamarhi P.S. Case No. 337 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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