

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12973 of 2025

Arising Out of PS. Case No.-101 Year-2022 Thana- MADHUBAN District- East Champaran

Shakaldeep Kumar @ Shakaldeep Paswan S/o Late Sagar Paswan @ Late Ram Sagar Paswan R/o Village- Mela Bazar, Madhuban, P.S- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mosmat Krishna Devi W/o Late Ramshray Das R/o Village- Madhuban, Pandey Tola, Ward No. 2, P.S- Madhuban, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2025 Heard Mr. Rajesh Kumar Mishra, learned counsel
for the petitioner and Mr. Yogendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 101 of 2022, F.I.R. dated 10.03.2022 for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, this petitioner coaxed the informant's daughter and took her to his house and then disappeared.

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. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has not supported the case of the prosecution. Apart from that, now the victim is married.

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 and she has not supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS, 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 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Madhuban P.S. Case No. 101 of 2022, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure /
Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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