

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14906 of 2025

Arising Out of PS. Case No.-13 Year-2023 Thana- TURKAULIYA District- East Champaran

1. Pawan Paswan Son of Dharichan Paswan Resident of Village- Amwan, PS- Turkauliya, District- East Champaran
2. Arun Paswan Son of Late Ramanand Paswan Resident of Village- Amwan, PS- Turkauliya, District- East Champaran
3. Jugu @ Raju Kumar Son of Anarsi Paswan Resident of Village- Amwan, PS- Turkauliya, District- East Champaran
4. Deo Narayan Paswan Son of Sargun Hazra Resident of Village- Amwan, PS- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jiyalal Sah Son of Rambriksh Sah Resident of Village- Amwan, PS- Turkauliya, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Karandeep Kumar , learned counsel for the petitioners and Mr. Parmanand Prasad, learned Additional Public Prosecutor for the State.

2. The petitioner are apprehending their arrest in connection with Turkauliya P.S. Case No. 13 of 2023, F.I.R. dated 04.01.2023 for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and Sections 6/8 of the POCSO Act.

3. As per the First Information Report, the informant



alleged that the petitioners along with other co-accused had abducted his daughter.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Infact the victim was in love affair with one co-accused, namely, Mithun Kumar and although the statement of the victim was recorded under Section 164 Cr.P.C/183 BNSS in which she has categorically stated that Mithun Kumar and these petitioners had kidnapped her. He further submits that a separate trial bearing P. Tr. No.23 of 2023 began against the co-accused Mithun Kumar and the said Mithun Kumar has been acquitted from all the charges and he has been acquitted by learned trial Court on 28.11.2024. From bare perusal of the aforesaid judgment it appears that the victim did not turn up before the learned trial court and in view of the above the case of the petitioners is better footing and petitioners may be given the privilege of anticipatory bail.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the name of the petitioners transpired during investigation and the victim has stated that the petitioners along with co-accused, Mithun Kumar have abducted her and apart



from that petitioner nos. 3 and 4 have clean antecedent and petitioner nos.1 and 2 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner nos.1 and 2 is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that the main co-accused, Mithun Kumar has been acquitted by the learned trial court, let the petitioners, above named, in the event of their 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 13 of 2023, 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bond 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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