

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73022 of 2024

Arising Out of PS. Case No.-564 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Abhishek Paswan @ Abhishek Kumar S/o- Birendra Paswan Resident of
Gorahan P.S- Bhabua, Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kunwar W/o- Late Raju Paswan Resident of Gorahan P.S- Bhabua,
Dist- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 28-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2.The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 96, 352, and
3(5) of the Bharatiya Nagarik Suraksha Sanhita.

3. The case of the prosecution is that the minor
daughter of the informant had gone to school on 16.07.2024 but
she did not returned. On search, in the evening of 17.07.2024,
the informant came to know that his co-villager Abhishek
Paswan has enticed and taken away the daughter of the
informant.

4.Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During the course of investigation, the victim has given her statement recorded under Section 164 of Cr.P.C. that she was going to school, the petitioner came there, caught her and started pressing for marriage. After this she went to Mumbai where the petitioner called his brother Ajay Paswan, who arranged the room besides his room. The petitioner forcibly solemnized marriage in his room itself. After 2-3 days, the brother of the victim Dheeraj and brother of the petitioner Anant arrived there and then she came back. From perusal of the statement of the victim girl, it is clear that she did not made any resistance while she was taken in the way by the petitioner. It is not the case of the prosecution that many accused persons have kidnapped the victim rather only the petitioner has taken her away and she has not raised any alarm all along the way when she had gone to Mumbai. The petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 03.08.2024.

5. Learned APP appearing for the state and learned counsel for the informant opposed the prayer of regular bail. Learned counsel for the informant submitted that the victim has



stated before the doctor that the petitioner has established physical relation with her. The doctor has opined that there is no mark of sexual assault.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bhabhua P.S. Case No. 564 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO Act-cum-A.D.J. VI, Kaimur at Bhabhua.

(Ashok Kumar Pandey, J)

Suruchi/-

U		T	
---	--	---	--

