

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80838 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MAINATAND District- West Champaran

Amit Paswan S/O Ramji Paswan @ Lal Kishore Paswan @ Lalkishore
Resident of Village -Singhpur Haraiya ,Police Station - Raxaul District East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulzar Miyan S/O Fulmaan Miyan Resident of Village -Rampurwa, Police
Station -Mainatand ,District West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-05-2025 Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Mainatand P.S. Case No. 74 of 2023 registered for the

offences punishable under Sections 341, 323, 363, 366(A),

504, 506, and 34 of the I.P.C., and under Section 8 of the

POCSO Act.

3. The prosecution case is to the effect that the

informant, namely Guljar Miyan, submitted a written

complaint stating that her sister, who was aged about

sixteen years, had gone out with her elder sister, namely

Amna Khatoon and Amit Paswan (petitioner) teased her, and subsequently the informant alleged that the said Amit Paswan (petitioner) has kidnapped his sister with the intention of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case, as it was not a case of forceful kidnapping or forceful marriage; in fact, it was a consented marriage between the victim and the petitioner, and the so-called victim had gone along with the petitioner out of her own sweet will. He further submits that the alleged victim girl was recovered, and she, in her statement under Sections 161 and 164 of the Cr.P.C., has not supported the factum of being forcefully taken away by the petitioner. Lastly, it has been submitted that the petitioner has a clean antecedent, and he is in custody since 26.09.2024.

5. Learned APP has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into consideration that the alleged victim

girl has herself not supported the factum of the prosecution case both under Section 161 and 164 of the Cr.P.C. statements and taking into account that the petitioner is in custody since 26.09.2024, 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 court of learned Additional District and Sessions Judge-VIIth Cum Special Judge POCSO, Bettiah, West Champaran, in connection with Mainatand P.S. Case No. 74 of 2023.

(Sourendra Pandey, J)

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