

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84450 of 2024

Arising Out of PS. Case No.-379 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Gholtan Paswan @ Golu Paswan @ Gholtan Kumar @ Golu Son of
Rambriksha Paswan @ Ramvriksh Paswan Resident of Salonachak
Kishanpur, P.S. - Lakhisarai, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 379 of 2024 instituted for the offences
under Section 363 and 365 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping the minor daughter of the Informant
for the purpose of sexual exploitation and illicit relationship.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case with false and frivolous allegations and due to
ulterior motives. The petitioner has not committed any offence
as alleged in the F.I.R. He further submits that there is delay of



one day in instituting the F.I.R. that too without there being any plausible explanation for such delay which itself shows that the F.I.R. has been registered after due deliberation and creates doubt in the prosecution case. The petitioner has never kidnapped the daughter of the Informant. He further submits that there is vital contradiction in the statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C. which falsifies the prosecution case. There is no medical report of the victim girl as she denied for the medical examination. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The I.O. after completion of investigation has submitted charge-sheet under Sections 363/365 of the I.P.C. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having



no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lakhisarai P.S. Case No. 379 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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