

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30321 of 2025

Arising Out of PS. Case No.-7 Year-2024 Thana- HARPUR District- East Champaran

Kawal Paswan @ Kewal Paswan S/o- Prabhu Paswan Resident of Village-
Shayampur P.S.-Harpur District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Mishra S/o- Late Ganesh Mishra Resident of Village-Belwa P.S.-
Harpur District- East Champaran
3. Suman Kumari D/o Upendra Mishra Resident of Village Belwa P.S. Harpur
District East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Ranjana Srivastava, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Kundan Rathore @ Kundan Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

13 10-03-2026 Heard Mrs. Ranjana Srivastava, learned counsel
for the petitioner Mr. Abhay Kumar, learned Additional Public
Prosecutor for the State as well as Mr. Kundan Rathore @
Kundan Kumar, learned counsel for the Informant.

2. Petitioner seeks bail who is in custody since
27.06.2024 in connection with Trial No. 09/2025 arising out of
Harpur P.S. Case No. 07 of 2024, F.I.R. dated 07.05.2024 for the
offences punishable under Sections 365, 366 of Indian Penal
Code and under Section 8 of POCSO Act.

3. According to prosecution case, the informant
suspects that the petitioner kidnapped her daughter, namely,



Suman Kumari for the purpose of killing her.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The allegation levelled against the petitioner is false and fabricated. The victim has been recovered and in her statement recorded under Section 164 Cr.P.C/183 BNSS, she did not support the case of the prosecution and she has also refused for her medical examination which is also recorded in paragraph no.138 of the case diary. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.06.2024.

5. The learned Additional Public Prosecutor as well as learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner and submit that petitioner is named in the FIR and he carries five criminal antecedents but fairly submits that the victim has refused for her medical examination and she did not support the case of the prosecution in her statement recorded under Section 164 Cr.P.c/183 BNSS.

6. Considering the aforesaid facts and circumstances and the period of custody, 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 learned Special judge POCSO Act, East Champaran at Motihari in connection with Harpur P.S. Case No. 07 of 2024, subject to the 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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