

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34431 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- MAHISHI District- Saharsa

Bindeshwari Paswan, S/o Late Sarowar Paswan, R/o Village-Telwa, P.S.-
Mahishi (Jalai O.P.), District- Saharsa

... .. Petitioner

Versus

1. The State of Bihar
2. X, Son of Late Nathuni Sah, R/o Village- Telwa, Ward No. 13, P.S.-
Mahishi, District- Saharsa

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 13-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Mahishi P.S. Case No.326 of 2024 registered for the offences punishable under Sections 137(2) read with 3(5) of the Indian Penal Code as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act (in short ‘POCSO Act’).

3. As per FIR, the son of petitioner, namely, Baua Paswan eloped/kidnapped the minor daughter of informant aged about 14 years. It is alleged that the petitioner was one



of the conspirator and raised suspicion that named co-accused persons including petitioner may commit some wrong with his daughter.

4. It is submitted by learned counsel appearing for petitioner that during investigation the minor daughter of informant was recovered, whereafter her statement was recorded, where she categorically stated that as she was in love with Baua Paswan, she accompanied her upto Amritsar and solemnized her marriage with him. It is pointed out that no overt act appears attributed towards petitioner as far elopement/kidnapping is concerned. It is submitted that the implication of this petitioner is only for the reason that he is the father of main co-accused Baua Paswan with whom the daughter of informant was in love. The petitioner claimed clean antecedent.

5. It appears from perusal of office report that the informant/O.P. No.2 has died during the pendency of present petition.

6. In view of aforesaid factual submissions and by taking note of fact as the implication of petitioner *prima facie*



appears being father of main co-accused Baua Paswan, where nothing incriminating appears stated by victim against petitioner while recording her statement under Section 183 of the BNSS, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Saharsa in connection with Mahishi P.S. Case No.326 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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