

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72423 of 2025

Arising Out of PS. Case No.-197 Year-2025 Thana- BAIRIYA District- West Champaran

Nawalkishore Paswan @ Nawal Paswan Son of Hiranman Paswan @ Hiranman
Hajara Resident of village - Areraj, Binwaaliya, Police Station - Govindganj,
District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX Wife of Jagan Paswan Resident of village - Sudama Nagar, Ward
No.- 7, Police Station - Bairiya, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarvesh Kashyap, Adv. Mr. Deepak Kumar, Adv. Ms. Akanksha Rai, Adv.
For the informant	:	Mr. Gyan Prakash, Adv.
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-01-2026 Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 and learned A.P.P for the State.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 197 of 2025 dated 26.05.2025 registered for the
offences punishable under Sections 137(2), 96 and 352 of the
B.N.S. and later on Section 8 of the POCSO Act was added.

3. As per the prosecution case, the informant has
alleged that her daughter was allured by one Nawal Paswan for
the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. It is not a case of allurement or kidnapping rather the victim had gone on her own sweet will along with the petitioner. From perusal of the statement made under Sections 180 and 183 of the B.N.S.S., she has not supported the prosecution case and she has also stated that she had gone out of her own free will and had married the petitioner and stayed with him at Delhi. The victim in her statement recorded under Section 183 of the B.N.S.S. has also stated that she wants to go to her matrimonial house. It has next been submitted that as per his knowledge, the girl was sent to C.W.C., Bettiah. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 15.07.2025.

5. Learned A.P.P. for the State and learned O.P. No. 2 have vehemently opposed the prayer for bail of the petitioner. Learned O.P. No. 2 has submitted that the petitioner has kidnapped the minor girl even her consent would not matter if present in the facts and circumstances of the case. It has also been submitted that the petitioner had allured the victim and it was on such allurement that she had gone to marry and has also disputed the fact that she has been sent to C.W.C. Bettiah

6. Considering the facts and circumstances of the case and the period of judicial custody of the petitioner, the



petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 197 of 2025, subject to the following terms and conditions :-

(i) One of the bailors shall be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made



in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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