

(2021) 01 PAT CK 0015

Patna High Court

Case No: Criminal Miscellaneous No. 32219 Of 2020

Subodh Paswan

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Jan. 5, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 366(A)
- Code Of Criminal Procedure, 1973 - Section 164

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Dr. Alok Kumar Alok, Ajit Kumar

Final Decision: Disposed Of

Judgement

1. Heard Dr. Alok Kumar Alok, learned counsel for the petitioner and Mr. Ajit Kumar, learned Additional Public Prosecutor (hereinafter referred to

as the "APP") for the State.

2. The petitioner is in custody in connection with Rafiganj PS Case No. 290 of 2019 dated 19.12.2019, instituted under Section 366 (A) of the Indian

Penal Code.

3. The allegation against the petitioner, though not named in the FIR is of enticing the minor daughter of the informant.

4. Learned counsel for the petitioner submitted that after the so-called victim was recovered, she has made statement before the Court under Section

164 of the Code of Criminal Procedure, 1973 in which she has stated that it was another co-accused Ashutosh with whom she was told that she

would be married and it is also alleged that he committed rape, but with regard to the petitioner the only allegation is that he took the victim to

Ashutosh. Learned counsel submitted that there was love affairs between the parties and even in her statement, it has been stated that Ashutosh had taken her to Surat and had left her there after the case was registered and from there she was recovered. It was further submitted that the petitioner having no criminal antecedent is in custody since 17.03.2020.

5. Learned APP submitted that the petitioner was also involved in the abduction of the victim, who was a minor. However, he could not controvert that she has stated that the petitioner had only taken her to Ashutosh and that too on the pretext that he would be marrying her and after that no role is assigned to him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, (Protection of Children from Sexual Offences) Act, Aurangabad in Rafiganj PS Case No. 290 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case. Failure to cooperate shall lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.