

# Santosh Paswan vs The State Of Bihar on 9 May, 2022

**Author: Prabhat Kumar Singh**

**Bench: Prabhat Kumar Singh**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.54135 of 2021  
Arising Out of PS. Case No.-124 Year-2020 Thana- ROHTAS District

=====

SANTOSH PASWAN SON OF RAMCHANDRA PASWAN R/O VILLAGE-  
SAMAHUTA, P.S. AND DISTRICT- ROHTAS (BIHAR)

Versus

1. The State of Bihar
2. Baban Ram aged about 47 years (M), S/o Late Jokhan Ram, R/o Village Samahuta, P.S. + District - Rohtas.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh  
For the Opposite Party/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER

5 09-05-2022

Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 365, 366(A), 370(4), 376(DA), 120B/34 of the Indian Penal Code, Section 4(2)/6 of the POCSO Act, Section 3(2)(V) of SC/ST Act and Section 9, 10, 11 of Prevention of Child Marriage Act.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R. Specific allegation of kidnapping of minor daughter of the informant is against F.I.R. named co- accused persons. It is further submitted that the victim, in her statement recorded under Section 164 Cr.P.C., has not alleged any overt act against this petitioner. Similarly situated co- accused persons have already been granted bail by this Court, Patna High Court CR. MISC. No.54135 of 2021(5) dt.09-05-2022 vide Annexure-3 and 3/A respectively. Petitioner is in custody since 24.07.2021 (in the impugned order, the date of custody is 24.07.2020).

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.D.J. - VII cum Special Judge (POCSO Act & SC/ST Act), Rohtas at Sasaram in connection with POCSO Case No. 47 of 2020, arising out of Rohtas P.S. Case No. 124 of 2020.

(Prabhat Kumar Singh, J) anay/-

U            T