

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36521 of 2014**

Arising Out of PS.Case No. -64 Year- 2013 Thana -TRIVENIGANJ District- SUPAUL

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1. Shambhu Kumar Paswan @ Shambhu Phawan S/o Aklu Paswan, R/o  
Village- Rampur, P.S.- Pipra, District- Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bishwanath Sah, son of Ram Prasad Sah, resident of village Rampur,  
P.S.- Pipra, District- Supaul.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma  
For the Opposite Party/s : Mr. Dilip Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

3      01-07-2015                      Heard the Counsels for the petitioner and the  
  
informant.

Petitioner is apprehending his arrest in connection with  
Triveniganj P.S. Case No. 64 of 2013 registered under Sections  
366A/34 of the Indian Penal Code for having abducted/kidnapped  
the 15 years old daughter of the informant.

From the F.I.R., it appears that on the date of  
occurrence i.e. on 8.5.2013, she accompanied the petitioner on a  
motorcycle. The son of the informant had seen her eloping with  
the petitioner.

Contention of the petitioner is that the girl has attained  
the age of discretion. She is definitely more than 17 years of age.  
It has been submitted that the girl has married the petitioner on her  
own volition. Her statement was also recorded under Section 164

Cr.P.C. in which she has stated to this effect. In the estimation of the learned Magistrate recording the statement, she has been found aged about 23 years. The statement of the girl recorded under 164 Cr.P.C. is, however, not before the Court.

Considering the aforesaid fact, I direct that the learned Magistrate, on surrender of the petitioner within three weeks from today, shall verify from the statement of the girl recorded under Section 164 Cr.P.C. whether she has married the petitioner on her own volition as also the estimation of the age of the victim by the Court recording the statement. If she has made statement of having married the petitioner on her own volition and is assessed more than 17 years of age by the learned Magistrate, the petitioner shall 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 Triveniganj P.S. Case No. 64 of 2013 in learned Chief Judicial Magistrate, Supaul subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further conditions that one of the bailers shall be the own/close family members of the petitioner.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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