

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29503 of 2014

Arising Out of PS.Case No. -51 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Suraj Paswan, Son of Jitendra Paswan, resident of village Kadhra, Police
Station- Ghoswari, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. A.M.P.Mehta(APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 09-01-2015 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner apprehending his arrest in
connection with Bihar P.S. Case No. 51 of 2014 registered for
the offence under Sections 363, 365 of the Indian Penal Code
seeks privilege of pre arrest bail.

Allegedly, the petitioner took away the minor
daughter of the informant and through mobile caused threats.
During investigation, victim girl has been recovered and her
statement under Section 164 Cr.P.C. has also been recorded,
wherein she has not supported the allegation of kidnapping,
rather she states that she has gone out of her own will and
consent and she is having pregnancy and wants to live with her
husband(petitioner).

Submission is that, in view of the statement

recorded under Section 164 Cr.P.C. no case as alleged is made out. The victim has stated her age about 20 years, but the learned Magistrate has assessed her age about 17 years and as such the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances as stated above, considering that the victim girl has stated her age 20 years and she does not alleged anything against the petitioner, rather she states that she has married with the petitioner out of her own sweet will and consent and she is pregnant and as such under these circumstances, in case of arrest or surrender before the court below within two months from the date of receipt/production of a copy of this order, the petitioner namely Suraj Paswan shall be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 51 of 2014 with condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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