

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 32014 of 2016**

Arising Out of PS.Case No. -130 Year- 2016 Thana -BAHERA District- DARBHANGA

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Ram Sogarath Paswan son of : Mahesh Paswan, Resident of Village: Antaur  
Police Station: Bahera, District- : Darbhanga

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Gajendra Kumar Jha

For the Opposite Party/s : Mrs. Nirmala Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4. 05-09-2016 Heard Sri Gajendra Kumar Jha, learned counsel for  
the petitioner and Smt. Nirmala Kumari, learned Addl. Public  
Prosecutor.

The sole petitioner, apprehending his arrest in Bahera  
P.S. Case No. 130 of 2016 registered for the offence under  
Sections 366(A), 365/34 of the Indian Penal Code, has prayed for  
grant of bail in the event of his arrest/surrender.

It was submitted by learned counsel for the petitioner  
that the victim girl was virtually major and with consent, she had  
solemnized marriage with the petitioner. By way of filing  
supplementary affidavit, he has brought on record the statement of  
victim girl recorded under Section 164 of the Cr.P.C., in which,  
the victim had categorically stated that she had voluntarily

solemnized marriage with the petitioner in a temple and she had made specific statement that she was never kidnapped.

However, learned Addl. Public Prosecutor submits that in statement recorded under Section 164 of the Cr.P.C., the age of the victim girl was assessed by learned Magistrate as 15 years, whereas, learned counsel for the petitioner, by way of referring to the impugned order, submits that victim was examined by the doctor and medical examination report suggests her age in between 16 & 17 years. He submits that the age, in view of report, can be enhanced by one year and as such, victim can be considered as major.

In view of statement of the victim girl, at least there is specific case for grant of anticipatory bail.

In view of facts and circumstances, particularly the age of victim, which was assessed in between 16 & 17 years and statement of the victim girl, wherein, she had categorically stated that she had voluntarily solemnized marriage with the petitioner, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Ram Sogarath Paswan be enlarged 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 Additional Chief Judicial Magistrate, Benipur (Darbhanga) in connection with Bahera P.S. Case No. 130 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Rakesh Kumar, J.)**

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