

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12750 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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1. Govinda Paswan, son of Buddhu Paswan, R/o Village- Kishanpur, P.S.-
Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bathnaha
P.S Case No.03 of 2017 registered for the offences punishable
under Sections 363, 366A of the Indian Penal Code and Section
3/4 of POCSO Act.

Allegedly, the petitioner kidnapped the minor
daughter of the informant and fled away on motorcycle. During
investigation, the victim girl and the petitioner was caught and the
statement of the victim girl has been recorded wherein she has
stated her age 18 years, but the learned Magistrate has assessed
her age 16 years, she has stated that she was not kidnapped rather
she has performed marriage with the petitioner by her own sweet



will.

Learned A.P.P. opposes the prayer of bail by submitting that victim is minor which is evident from the School Leaving Certificate and the doctor has also assessed her age between 15-17 years.

In the facts and circumstances stated above, considering that the victim has not supported the allegation of kidnapping and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sitamarhi, in connection with Bathnaha P.S. Case No. 03 of 2017, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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