

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71740 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- KAUWAKOL District- Nawada

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Suraj Paswan Son of Mahesh Paswan, resident of Village- Lalpur, Police
Station- Kawakol, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 366A of the
Indian Penal Code.

The prosecution case as per the written report of
Lalita Devi dated 19.06.2018 submitted to the Station House
Officer of Kauwakol Police Station is to the effect that on
17.06.2018 at 6.00 P.M. the daughter of the informant, Madhuri
Kumri, aged 16 years, went to market but she did not return.
Thereafter, the search was made and during search the informant
came to know that her daughter has been induced by the



petitioner with a promise to marry. It is alleged that the petitioner used to talk with the daughter of the informant.

It is submitted by learned counsel for the petitioner that for the occurrence of 17.06.2018, the written report was submitted on 19.06.2018 which came to be registered as the similar instant FIR under consideration on 20.06.2018. The victim in the statement recorded under Section 164 Cr.P.C. has denied the factum of kidnapping and she has claimed that she has married the petitioner. Though, in 164 Cr.P.C. statement the victim got her age recorded as 20 years whereas the Court has assessed her age as 15 years. However, during medical examination the victim was found 17 ½ years old.

Learned APP submits that the petitioner has kidnapped a minor girl.

Considering the 164 Cr.P.C. statement of the victim which completely negates the factum of kidnapping, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nawada in connection with Kauwakol



P.S. Case No. 123 of 2018, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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