

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38152 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -BEERPUR District- BEGUSARAI

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Hari Shankar Paswan, S/o Suresh Paswan, resident of Garhpura, P.S-
Birpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.
For the informant : Mr. Radha Mohan Singh, Advocate.
For the Opposite Party/s : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner, counsel for
the informant and the State.

The petitioner apprehends his arrest in **Birpur P.S.**
Case No. 105 of 2017 instituted for the offence under Section
366A/34 of the Indian Penal Code.

In the written report it is alleged by the informant that
daughter of the informant aged about 17 years was kidnapped by
the petitioner.

Case diary has been received.

The statement of victim girl recorded under Section
164 Cr. P.C. has been enclosed as Annexure-2 wherein she has
stated her age as 18 years and the court has also assessed her age
to be 18 years. The victim girl in her statement recorded under



Section 164 Cr. P.C. has stated that she had voluntarily gone with this petitioner and performed marriage with him.

Counsel for the informant has appeared and submitted that as per birth certificate, the age of daughter of informant is 6.12.2002. Counsel for the informant has further submitted that daughter of the informant is minor.

This Court after looking into the statement of victim girl recorded under Section 164 Cr. P.C. found that she has stated her age as 18 years. The court below has assessed her age to be 18 years.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Birpur P.S. Case No. 105 of 2017**, he shall be released on anticipatory 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-1, Begusarai**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date



fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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