

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37747 of 2018

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Manoj Paswan, Son of Late Ram Ashray Paswan, Resident of Village-
Chorma, P.O.+P.S.- Pakridayal, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case as per the written report of Mobarak Ansari submitted to the Station House Officer, Pakaridayal P.S. dated 03.06.2017 is to the effect that on 26.05.2017 at 8.00 P.M. the informant's daughter Jarina Khatoon aged about 16 years went outside to ease when co-accused Lavkush Kumar Paswan, Rajkumar Paswan, Bahadur Paswan and the petitioner Manoj Paswan came on motorcycle and enticed away for performing marriage of the informant's



daughter with Lavkush Kumar Paswan. Since the wife of the informant raised alarm the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that in the statement under Section 164 Cr.P.C., the victim got her age recorded as 20 years when the court has assessed as 21 years where she has stated that she of her own married with Lavkush Kumar Paswan and went to Jammu and now she wants to stay with him. The victim has further stated that though she was pregnant but pregnancy got terminated. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Learned APP, however, submits that there is specific accusation against the petitioner in the FIR and doctor has assessed the age of the victim between 17 to 18 years.

Considering the fact that the learned Court below has assessed the victim of the age as 21 years and she has not named the petitioner in statement u/s 164 Cr.P.C., 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-Vth, Motihari, East Champaran in connection with Pakaridayal P.S. Case No. 77 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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