

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7435 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- CHANDAN District- Banka

Rohit Paswan Son of Kailash Paswan Resident of Village - Chhata Kusum
Ghat/Kusum Ghat, Police Station – Chandan Anandpur, District – Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been languishing in custody since
20.08.2018 in a case registered for offences punishable under
Sections 366A/34 of the Indian Penal Code.

Prosecution case as per the written report of the Tej
Narayan Yadav before the Station House Officer of Anandpur
O.P. , Bhairoganj on 26.02.2018 is to the effect that the daughter
of the informant used to reside at her maternal grandfather's house
and on 23.02.2018 at about 11 P.M., the daughter of the informant
Kavita Kumari went outside to ease out, but she did not return,
then, maternal grandfather of the victim informed the informant.
Whereupon, the informant reached to his native place Hिरarai Dih
and searched for the victim. During course of search, co-villager



Jalandhar Yadav suggested that the daughter of the informant was seen in the company of Rohit Paswan (petitioner) and co-accused Bhola Paswan at Simultallala Railway Station. Then, they reached to the house of Matwari Paswan, who happens to be the maternal uncle of the Rohit Paswan, who used to reside in the house of Matwari Paswan and used to drive tractor and when the informant enquired from them about the Rohit Paswan, Matwari Paswan and his son started abusing them and informed that Rohit Paswan has taken away the daughter of the informant for the purpose of marriage. Thereafter, informant reached the Rohit Paswan's house, where family members of the Rohit Kumar also abused them.

It is submitted by learned counsel for the petitioner is that in the statement under Section 164 Cr.P.C., the victim has got her age recorded as 18 years whereas the court has also assessed her age as 18 years. In her statement under Section 164 Cr.P.C. she has specifically stated that she went with the petitioner out of her own sweet will and has performed marriage with him and she expressed her willingness to stay with the petitioner.

Learned A.P.P. submits that the petitioner is named in the F.I.R and there is specific allegation against him.

Considering the fact that medical report of the victim girl is not available on record and she has got her age recorded as 18 years in her statement under Section 164 Cr.P.C., which also



suggests that she went with the petitioner on of her own, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Chandan (Anandpur) P.S. Case No. 21/2018.

(Dinesh Kumar Singh, J)

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