

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14559 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- MAJHAULIA District- West Champaran

DILIP PASWAN aged about 28 years Male, S/o Abu Paswan Resident of
village-Nautan Khurd, P.S.-Majhaulia, District-West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the informant	:	Mr. Satish Chandra Mishra, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned A.P.P. for the

State.

The petitioner, in the present case, is seeking
anticipatory bail in connection with Majhaulia P.S. Case
No. 216/2018 registered for the offences under Section
366A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as
per allegations in the first information report the petitioner
had allured the victim girl to accompany him and thereby he
had indulged in kidnapping of the girl. It is submitted that
when the girl came back with her Mausi to the police
station, her statement under Section 164 Cr.P.C. was



recorded by the learned Magistrate where she disclosed her age about 20 years, but at that time her age was assessed 18 years by the learned Magistrate. The victim girl made a statement that she had herself fled away from her house and had solemnized marriage in Durga Mandir at Bettiah with the present petitioner. She also stated that she was living with her husband and is willing to go with him.

It is further submitted that from Annexure-3 to the present application, it will appear that the victim was examined by the Chief Medical Officer who has recorded in the report that the age of the victim girl is more than 19 years and less than 21 years. No recent sign of sexual assault was present. No injury was found on her internal and external Genitalia.

It is submitted that in these circumstances police has submitted a final form/report saying that there was no sufficient material to proceed against the accused persons. At this stage, by differing with the police report, the learned Special Judge, POCSO Act, has taken cognizance of the offences under Section 366/34 read with Section 8 of the POCSO Act. It is submitted that in these circumstances



where the victim girl has herself said that she had gone on her own will and volition with the petitioner and solemnized marriage and that she has also a major one, the petitioner deserves privilege of anticipatory bail.

Learned counsel for the informant and learned A.P.P. for the State are present and have opposed the prayer for anticipatory bail of the petitioner. It is submitted that this petitioner is a married person, who had duped the daughter of the informant and solemnized marriage.

In the given facts and circumstances of the case considering the submissions and the medical report showing that the victim girl was more than 19 years of age and less than 21 years as also that she has made her statement under Section 164 Cr.P.C. in which she has herself stated that she had gone with the petitioner and solemnized marriage on her own will, in the event of his arrest/surrender in the court below within a period of four weeks from today, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah,



West Champaran, in connection with Majhaulia P.S. Case
No. 216/2018, subject to condition prescribed under Section
438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

