

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17262 of 2019**

Arising Out of PS. Case No.-105 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Krishna Paswan @ Kishan Paswan Son of Jagdish Paswan Resident of
Village- Hari Nagar, P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav
For the Opposite Party/s : Mr.Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 363, 366 and 120B
of the IPC.

The prosecution case, as per the written report of Navin
Devi, dated 04.05.2018 submitted to the Station House Officer,
Kusheshwarsthan Police Station, is to the effect that on
30.04.2018 at about 8.30 P.M., the daughter of the informant,
namely, Kajal Kumari, who is aged about 14-15 years, went
outside to ease, but she did not return, on search being made,
the informant came to know that she was being kidnapped by
the petitioner and his friend, Deepak Ram. It is further alleged



that when the informant along with her husband went to the house of co-accused Jagdish Paswan, the father of the petitioner, then they were abused and assaulted by him.

It is submitted by learned counsel for the petitioner that the victim in the statement recorded under Section 164 Cr. P.C. has stated that she went in the company of the petitioner on her own and has performed marriage with him. It is further submitted that the educational certificate of the victim, issued by Bihar Secondary School Examination Board, suggests her date of birth as 14.02.2001, hence, on the alleged date of occurrence, the victim was major. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation against the petitioner is specific.

Considering the statement of the victim recorded under Section 164 Cr. P.C., wherein she has stated that she went in the company of the petitioner on her own, whereas the educational certificate of the victim suggests that on the alleged date of occurrence, she was major, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner



be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned ACJM, Biraul, District Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 105 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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