

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79507 of 2018

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

1. PRADEEP PASWAN @ PRADEEP KUMAR and ORS S/o Abu Paswan
2. Sandeep Paswan S/o Abu Paswan
3. Asha Devi W/o Abu Paswan
4. Abu Paswan S/o Nageshwar Paswan All R/vill-Nautan,Khurd,P.S-Majhauria,Distt.-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-01-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code and Section 8 of POCSO Act.

Considering the statement of victim girl where she has stated that she had affair with Dilip Paswan and she has voluntarily married to Dilip Paswan.

In my view this is a fit case for grant of anticipatory bail.

Learned counsel for the informant opposed the prayer of anticipatory bail on the ground that though while recording



the statement under Section 164 Cr.P.C., the Magistrate assessed her age as 18 years and she disclosed her age as 20 years. However, the learned court determined her age as 14 years in a miscellaneous proceeding after collection of evidence.

Even if, it is assumed that victim was a minor on the date of occurrence, but she was wholly competent to say that no offence was committed against her as she has stated in her statement under Section 164 Cr.P.C. Hence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Majhauria Police Station Case No. 216 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal procedure as well as condition that the petitioners shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

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(Birendra Kumar, J)

