

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27491 of 2020**

Arising Out of PS. Case No.-385 Year-2018 Thana- BAJPATTI District- Sitamarhi

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LALIT PASWAN, Son of Yogi Paswan, Resident of Village- Harpurwa, P.S.-
Bajpatti, District- Sitamarhi. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 25-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Bajpatti P.S. Case No. 385 of 2018 registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the First Information Report the age of the victim girl has been stated to be 17 years 10 months but the victim girl has appeared before the learned Magistrate and has made her statement under Section 164 Cr. P.C. which would be evident from Annexure '2'. In her statement which has been recorded two months after the lodgement of the F.I.R. she has disclosed her age as 19 years and she declared that she had



married with this petitioner and wants to live with her in-laws. Learned counsel has drawn the attention of this Court towards the statements made in paragraph '14' of the application wherein it is stated that the petitioner and the victim lady have entered into a wedlock and both of them have a baby out of that.

It is submitted that the victim lady was major and she has solemnized her marriage on her own volition and the informant has not brought any cogent material to substantiate his allegation that the victim was minor, moreover even according to the informant she had less than 40 days in completing her majority.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but at the end he has submitted that there are some circumstances such as the statement of the victim girl and that the petitioner and the victim girl are living happily and they have got a baby with them, this Court may consider these aspects for purpose of grant of anticipatory bail as the custodial interrogation of the petitioner is not required in this case.

Having regard to the facts and circumstances of the case in the nature of the materials noticed hereinabove, this Court finds that no purpose will be served by sending the petitioner behind the bar at this stage, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned Sub-Divisional Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 385 of 2018, G.R. No. 1804 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

