

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83602 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- SONBERSA District- Sitamarhi

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DIPAK PASWAN S/o Raghunath Prasad (Nana- Jay Narayan Paswan)
presently residing at village- Bhutahi, P.S.- Sonbarsa, Distt- Sitamarhi,
permanent resident of Village- Matiha, P.S.- Sonbarsa, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 06-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 363, 366A/34 of the Indian Penal Code.

Informant has alleged in his written complaint that on
21.06.2019 when his daughter alongwith his wife had gone for
morning walk, FIR named accused including petitioner forcibly
took her daughter for purpose of marriage.

It has been submitted on behalf of the petitioner
that alleged incident is of 21.06.2019 whereas FIR was



instituted on 23.06.2019, although wife of the informant was accompanied her daughter. The statement of the victim girl has been recorded under Section 164 of Cr.P.C. in which she has stated that she had willingly and out of her own volition and sweet will went with the petitioner and they have solemnized marriage and she want to reside with the petitioner. The court has assessed the age of victim as 18 years and victim has disclosed her age to be 20 years. Subsequently the victim was subjected to Medical examination also and no external or internal injury was found on the person of victim. The Medical board has also assessed the age of victim as 18 years.

Learned Counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner that the girl was minor and she was enticed away by the petitioner, as such, he is not entitled to grant of anticipatory bail.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Sonbarsa



P.S. Case No. 135 of 2019, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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