

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18235 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- BISFI District- Madhubani

RAHUL KUMAR PASWAN @ RAHUL KUMAR Son of Late Ram Chandra Paswan (Wrongly given the father name of the Petitioner in the FIR as Late Kalha Paswan) Resident of Village - Baingra, P.S.- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ravi Ranjan, Advocate

For the Opposite Party/s : Ms Renu Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Bisfi Police Station (for brevity, PS) Case No 21 of 2020 dated 18.01.2020 instituted for the offence punishable under Sections 363, 366A/34 of Indian Penal Code.

There is allegation that the petitioner and his family members have allured the informant's daughter.

Learned counsel for the petitioner submits that from bare perusal of the statement of the victim girl recorded under Section 164 of Criminal Procedure Code (Annexure 2), the prosecution case stands belied. She has stated about fleeing



away on her own on being scolded; and she has solemnized marriage with the petitioner. She has also claimed to be 19 years old. It is further submitted that even in the medical report, she has been found to be about 17 years old.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Madhubani in connection with Bisfi PS Case No 21 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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