

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23269 of 2021

Arising Out of PS. Case No.-189 Year-2020 Thana- AMDABAD District- Katihar

MUNNA PASWAN, Son of Late Jagdish Paswan, Resident of Village Lakhi
Tola, P.S. Amdabad, District - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the Informant	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-09-2021 Heard the parties in virtual Court.

Let the defects be removed within four weeks after
start of the physical Court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 365 and 376 of the Indian
Penal Code.

According to FIR, the petitioner allegedly ravished, to
the informant, aged about eighteen years, two years back.
Thereafter, the petitioner was in physical relation with her on
the pretext of marriage. Both went to West Bengal and there also
both were in physical relation. The informant became pregnant
and gave birth to a girl and thereafter the petitioner left the
informant at her house in March, 2020.

Learned counsel for the petitioner refers to Annexure-



5 for his submission that Annexure-5 is prescription dated 27.08.2018 of the informant which would show that she had given birth of a girl at the hospital on that day and name of her husband is mentioned as Somit Kumar Mandal. Therefore, evidently, in the year 2018, the informant was a married lady. In the circumstance, it is evident that she was a consenting party knowing well the consequences of her relationship with the petitioner.

Learned counsel for the informant opposed the prayer for bail on the ground that the victim was a minor on the date of occurrence. Hence, her consent and no consent was immaterial.

Considering the fact that the victim was a married lady and the Doctor has assessed her age between twenty to twenty-one years, there is no other documentary evidence of proof of her age and investigation of the case is already complete, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Amdabad Police Station Case No. 189 of 2020, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the trial



of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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