

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27695 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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SUGANDH PASWAN Son of Jitendra Paswan Resident of Village -
Dilwarpur, P.S.- Bahadurpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-11-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out
of Sadar P.S. Case No.22 of 2020, registered for the offences
punishable under Sections 366(A), 504, 506/34 of the Indian
Penal Code.

The learned counsel for the petitioner at the outset,
submits that the petitioner is in custody since 11.06.2020 and is
a person with clean antecedent and charge-sheet has been
submitted. The learned counsel further submits that from
perusal of the allegation as alleged in the FIR, it would manifest
that the informant has alleged that his daughter Sunita Kumari
(Date of Birth is 12.08.2003) is a student of Class-X and is

studying in Manas Public School, Dilwarpur. Further, she used to go coaching class at 7.30 A.M. but on 12.01.2020, informant's daughter went for coaching class but she did not return and when search was made, his daughter could not be found. It is next alleged that the informant came to know from a source that Sugandh Paswan (petitioner) and his father, Jitendra Paswan and his family member including FIR named accused persons have kidnapped his daughter for committing rape and thereafter to sell. On such information, informant reached the house of the petitioner but petitioner was not present in his house and his mother abused and threatened the informant that if any police complaint is made, his daughter would be killed.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and for that he draws the attention of this Court to Annexure-3 to show that petitioner and the victim were in love. The leaned counsel for the petitioner further submits that from perusal of the statement of the victim as made under Section 164 of the Cr.P.C., it would manifest that though she has stated that she was forcibly taken away but the tenor of the statement makes it clear that she on her own will had left with the petitioner as she has stated that the parents of this petitioner after a month visited them at

Ludhiyana and said to her son to ensure that she is allowed to go to her house so that no one has this inclination that she has been kidnapped. Further, she has also stated that it was the mother of the petitioner, who got ticket booked from Ludhiyana to Patna and when she came to Patna, she has stated that the friend of petitioner again kidnapped and kept her at some place. Further, it was only when the father of this petitioner came, he took her to S.P. office. The learned counsel for the petitioner further submits that the victim had refused to go for a medical check up but the learned APP submits that the injury report of the victim is on record that shows that there is no internal or external injury on which the learned counsel for the petitioner submits that though the victim has alleged that physical relation was established forcibly and that it was video graphed but the injury report belies the same. He further submits that the reason for not agreeing for medical check up was that the victim was aware that nothing will come in the medical examination as no physical relation was established, further she had eloped with the petitioner.

The learned APP opposes the bail application and upon enquiry of the Court with respect to the injury report, he fairly submits that there is no injury. No external injury has

been found on the body of the victim.

At this stage, learned counsel for the petitioner submits that the informant realizing that his daughter now has been married to some other person and the case was instituted under mistake of fact has even filed a compromise petition in the Court below. Further, learned counsel for the petitioner submits that as per the medical examination report, the age of the victim has been assessed in between 18 to 20 years, as such, she is major and was capable of understanding of consequences of her action, further, it was only because of the family pressure that petitioner and victim could not get married.

Considering the fact that the petitioner is aged about 23 years and the tenor of the statement made by the victim under Section 164 Cr.P.C. amply demonstrate that it was a case of love affair but under pressure, the statement was made and the charge-sheet has been submitted against the petitioner, and he is in custody since 11.06.2020 and also that a compromise petition has been filed in the Court is inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of learned Chief Judicial Magistrate, Darbhanga, in
connection with Sadar P.S. Case No.22 of 2020.

(Satyavrat Verma, J)

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