

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29870 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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Bhola Paswan, S/o- Sri Faguni Paswan Resident of Village- Baluya, Guawari,
Baluya Tola, Gospari, P.S.- Kundawa, Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha- Advocate
For the Opposite Party/s : Mr. Rajendra Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-11-2021 Heard the learned Advocate for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Kundwa
Chainpur P. S. Case No.168 of 2020, instituted for the offences
under Sections 366A, 34 of the Indian Penal Code.

The petitioner is in custody since 28.01.2021 and he is
a person with clean antecedents. Charge-sheet has been
submitted in this case.

From bare perusal of the allegation as alleged in the
F.I.R., it would manifest that the informant alleges that on
27.10.2020 his daughter Nikki Kumari aged about 15 years was
going to Khaliyan when the petitioner along with 4-6 persons
kidnapped her daughter by gagging her mouth and when her



daughter did not return back till night then the villagers informed that she was kidnapped by the aforesaid person by a four wheeler vehicle with intention to marry. Thereafter a Panchayati was also convened in which Faguni Paswan and Akli Devi said that their son has kidnapped her for marriage.

Learned counsel for the petitioner submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has disclosed her age as 18 years and has stated that her parents wanted her to get married forcibly on account of which she had left for Delhi and that her father has instituted the present false case, further no one has kidnapped her, she on her own volition left for Delhi, further that her parents created pressure for getting married and even assaulted when she wants to study and when she came to know that this case has been instituted, she returned back.

Learned counsel for the petitioner submits that from bare perusal of her statement recorded under Section 164 of the Cr.P.C., it would manifest that the victim is a mature girl and who understands the consequences of her action. She has clearly stated in her statement that she on her own volition left for Delhi due to pressure of marriage, when she wanted to study.

Learned A.P.P. opposed the bail application and



submits that from perusal of the impugned order, it would manifest that from the school leaving certificate of the victim she is a minor. Learned counsel for the petitioner submits that the victim has reached the age of discretion and from her statement recorded under Section 164 of the Cr.P.C., it would manifest that she very well understands the consequences of her action and she on her own volition before the Court has stated to be 18 years of age.

Considering the fact that petitioner is in custody since 28.01.2021 and he is a person with clean antecedent, charge-sheet has been submitted in the case and victim has not supported the prosecution case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Sikrahna, Dhaka, East Champaran in connection with Kundwa Chainpur P. S. Case No.168 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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