

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37096 of 2021

Arising Out of PS. Case No.-326 Year-2020 Thana- LALGANJ District- Vaishali

Chandan Kumar, aged about 24 years (Male), son of Shree Rajesh Paswan,
resident of village- Madhusudan Pakri, P.S.- Lalganj, District- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 08.07.2021, which was allowed.

3. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Lalganj PS Case No. 326 of 2020 dated 24.10.2020, instituted under Sections 363, 366-A of the Indian Penal Code.

5. The petitioner, along with his family members, is accused of kidnapping the minor daughter of the informant



alleging that the petitioner was a teacher in the coaching class she attended and he had abducted her for the purpose of marriage.

6. Learned counsel for the petitioner submitted that the allegation is totally false and concocted. It was submitted that the petitioner has no role in any abduction and the same did not occur and, in fact, the girl herself had run away from her house and had called the petitioner and they had married in a temple out of their own free will. It was submitted that the girl has made statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, (hereinafter referred to as the 'Code') in which the Court has assessed her age as 18 years and she herself has stated her age to be 19 years i.e., being major and has further stated that on 22.10.2020, she had gone from Lalganj to Muzaffapur after taking the petitioner and on 26.10.2020, had married in Hariharnath temple and that she was not kidnapped and had married on her own free will. It was submitted that the girl was, thus, major and most importantly, she is now living in the house of the petitioner. It was contended that the petitioner and her family members have accepted her in the house and shall keep her with full dignity, honour and security and she will be given her due place as the wife of the



petitioner.

7. Learned APP submitted that the allegation is of abduction of the minor daughter of the informant, the petitioner being the main accused. However, in view of the statement of the girl under Section 164 of the Code, copy of which has been brought on record as Annexure-2, it was not controverted that the so-called victim girl has stated that she was major and had married the petitioner after herself leaving the house and there was no abduction.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur, in Lalganj PS Case No. 326 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner shall cooperate with the Court and the police/prosecution and (iii) that the petitioner shall give undertaking to the Court that he



shall keep the informant with him with full honour, dignity and security and shall provide for all her needs. Any violation of the terms and conditions of the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

9. It shall also be open for the informant/her guardians/prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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