

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31694 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- NAUTAN District- West Champaran

Nitish Kumar, aged about 21 years, Male, Son of Ramakant Paswan Resident of Village - Sota Tola, Musahari, P.S.- Jagdishpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-03-2021

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Nautan (Jagdishpur) PS Case No. 20 of 2020 dated 18.01.2020, instituted under Sections 336A/34 of the Indian Penal Code and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner and others is of abducting the minor daughter of the informant.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated. It was



submitted that the daughter of the informant, on her own free will, had gone with the petitioner and they had married. Learned counsel submitted that the so-called victim, within 9 days of the FIR, her statement has been recorded before the Court under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that because of ill treatment at house and that she was in love with the petitioner and had gone with him and married him and wanted to live with him. Learned counsel submitted that on 27.01.2020, there was also a medical examination done in which no recent sign of sexual assault has been found or injury on her body or private parts and with regard to the age, it has been opined that it is between 19 to 20 years. Learned counsel submitted that the petitioner also does not have any criminal antecedent.

5. Learned APP, from the case diary, submitted that as per the allegation, the minor daughter of the informant was abducted. However, he did not controvert that the girl herself before the Court has stated that she has gone with the petitioner and has married him and wanted to live with him.

6. 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 District and Session Judge 1st, cum Special Judge, West Champaran, Bettiah in Nautan (Jagdishpur) PS Case No. 20 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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