

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32259 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- SAHARSA District- Saharsa

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AJAY PASWAN @ AJAY KUMAR PASWAN S/o Dinesh Paswan R/o
Village- Agwanpur, P.S. and Dist- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Vikramdeo Singh, Advocate
Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Saharsa Sadar P.S. Case No. 235 of 2019 registered for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code on completion of investigation.

The petitioner is in custody since 27.04.2020. Charge-sheet is said to have been submitted for the offences punishable under Sections 363, 364, 365, 366 and 376/34 of the Indian Penal Code.

Father of the victim is the informant. According to the case of the prosecution, the informant's minor daughter, the victim, was kidnapped on 12.03.2019 in the night by five persons. The petitioner, his father, his mother and his grand-



mother have also been made accused. The First Information Report was registered on 16.03.2019.

The case diary was called for, which is there on record. On perusal of the case diary, it transpires that the statement of the victim has been recorded under Section 164 of the Code of Criminal procedure. According to her narration, on the alleged date of occurrence, four miscreants had entered into the victim's house, who forcibly took her out of the house. It is further alleged that grand mother of the petitioner, petitioner's mother, his brother, all were waiting outside, who asked the petitioner to kidnap the victim. There is further accusation that the petitioner's father was also instrumental in the kidnapping, who played an active role. The victim was allegedly taken to Chandigarh, where she stayed with the petitioner for nearly one and half months. Allegedly, during that period, the petitioner committed rape on her. The victim was rescued, allegedly, by her maternal uncle in Chandigarh.

Learned counsel for the petitioner has submitted that the medical report indicates that the victim was not a minor. Her age on radiological assessment has been assessed to be nearly 18 years. He has submitted that it is evident from the narration of the prosecution case and the statement of the



victim, recorded under Section 164 of the Code of Criminal Procedure, that it was not a case of kidnapping rather elopement of the alleged victim with the petitioner against the wishes of the family members of the alleged victim.

Considering the facts emerging from the case diary and since charge-sheet has already been submitted in this case, in my opinion, a case for grant of regular bail is made out.

This application is accordingly allowed.

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 the learned C.J.M. Saharsa, in Saharsa Sadar P.S. Case No. 235 of 2019.

(Chakradhari Sharan Singh, J)

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