

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40228 of 2020

Arising Out of PS. Case No.-191 Year-2020 Thana- MAHUA District- Vaishali

NAWAL PASWAN Son of Sakindar Paswan @ Bhullu Paswan Resident of
Village - Rampur Chand Gachhi, P.S. - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Ms.Bela Singh
For the State	:	Mr. Nand Kumar
For the informant	:	Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-03-2021 Heard learned Senior Counsel for the petitioner,

learned Counsel for the informant and learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail in connection with

Mahua Police Station Case No. 191 of 2020, registered for the

offences punishable under Sections 366-A/323/504/34 of the

Indian Penal Code.

The allegation against the petitioner, as per the First

Information Report, is that he abducted the minor daughter of

the informant on the pretext of marriage and forcibly performed

marriage and also established physical relationship for about

one month.

Learned Senior Counsel for the petitioner submits that



there was love affair between the petitioner and the victim girl and the age of the victim girl has been assessed between 18-19 years by the medical board. He next submits that on the family pressure, the victim girl has turned around and her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973, is not voluntary.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for bail and submit that the age of the victim girl is 15 years and she, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, has also disclosed her age as 15 years and from the statement of the victim girl, it would be evident that the petitioner forcibly performed marriage and established physical relationship with the minor daughter of the informant.

Having heard learned Counsel for the parties and taking into consideration the materials on record, particularly, the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail



after nine months from today, if the trial does not show any progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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