

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50420 of 2021

Arising Out of PS. Case No.-243 Year-2019 Thana- HARLAKHI District- Madhubani

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AJEET PASWAN SON OF SRI NARESH PASWAN Resident of Village-
Sisauni, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Harlakhi P.S. Case No. 243 of 2019 for the offence registered
under Sections 366(A)/34 of the Indian Penal Code.

The allegation is regarding the petitioner having
kidnapped the victim girl whereafter it is alleged that the
petitioner had solemnized marriage with the victim girl.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 01.02.2021.
The learned counsel for the petitioner by referring to the
statement of the victim girl made under Section 164 Cr.P.C.
before the learned Magistrate has submitted that the same would
bear it out that the victim girl had voluntarily fled away with



the petitioner and solemnized marriage at Allahabad. It is also submitted that the victim girl has nowhere alleged that the petitioner had kidnapped her. Lastly, it is submitted that as far as the age of the victim is concerned, she has disclosed her age in her statement made under Section 164 Cr.P.C. as 17 years, however, the learned Magistrate has assessed her age as 19 years whereas the medical board has found her age in between 17 to 18 years, hence benefit of doubt can be granted to the petitioner and it cannot be stated that the victim girl is a minor.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the victim girl, in her statement made under Section 164 Cr.P.C. has not alleged that the petitioner had kidnapped her and on the contrary she has stated that she had voluntarily fled away with the petitioner and performed marriage with him, I find that the petitioner is not having any complicity in the alleged occurrence, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.



Accordingly, the petitioner, above named, is directed to 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 learned Additional Chief Judicial Magistrate-II, Benipatti in connection with Harlakhi P.S. Case No. 243 of 2019.

(Mohit Kumar Shah, J)

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