

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41319 of 2022**

Arising Out of PS. Case No.-247 Year-2021 Thana- CHOUTARWA District- West
Champaran

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ANGAD PASWAN @ ANGAD KUMAR SON OF RAJ KUMAR PASWAN
R/O VILLAGE- BHAIROGANJ, P.S.- BHAIROGANJ, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code & Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner enticed his minor daughter aged about 17 years who eloped with jewellery worth Rs. 80,000/- and cash Rs. 50,000/-.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as



alleged in the F.I.R., it would manifest that the victim had eloped with the petitioner as she was in love or else she would not have taken ornaments and cash along with herself, it is next submitted that the victim came back and her statement was recorded under Section 164 Cr.P.C wherein she has not supported the case of the prosecution. It is also submitted that victim is a major but even presuming what has been alleged is true without admitting for the purposes of anticipatory bail that victim is a minor aged about 17 years then also she had reached the age of discretion and as such was capable of understanding the consequences of her action.

Learned counsel for the petitioner next submits that it absolutely does not stand to reason that as to why the learned District Courts while rejecting the anticipatory bail application in such casual and perfunctory manner do not incorporate the statement of the victim recorded under Section 164 Cr.P.C, this amply demonstrates that the learned Court is only interested in mechanical rejection than applying their mind considering the issue in its entirety.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Choutarwa P.S. Case No. 247 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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