

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41910 of 2022

Arising Out of PS. Case No.-267 Year-2022 Thana- RAHUI District- Nalanda

Rakesh Paswan S/O Krishna Paswan Resident of village- Shekhopur, P.S.-
Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with Rahui

P.S. Case No. 267 of 2022 registered for the offences punishable

under Sections 365 and 366 of the Indian Penal Code.

As per the prosecution, the informant's daughter aged

about 18 years went missing after she had left the house of

informant.

The main submissions advanced by the learned

counsel Mr. Anil Kumar No.1 for the petitioner are that the

informant's daughter who is stated to be the victim of the instant



matter is a major girl as she disclosed her age as 18 years before the Judicial Magistrate and she recorded her statement before the Judicial Magistrate in which she did not make any serious allegation against the petitioner and according to her statement the petitioner made a video when co-accused Pradip Kumar forcefully put vermilion on her head and except this there is no any other allegation against the petitioner. Further submission is that as per the statement of the victim the alleged offence of abduction or kidnapping does not attract in this case and moreover, the petitioner has not been alleged to have played any role in the said offence and he has clean antecedent and languishing in jail since 29.05.2022.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the victim's statement recorded under Section 164 Cr.P.C filed as Annexure-2. The so-called victim has been recovered and she has recorded her statement before the Judicial Magistrate and while recording the said statement the Magistrate concerned assessed her age as 21 years and the facts revealed by the victim in her statement go against the allegation of abduction or kidnapping and the main allegation of forcefully solemnizing



marriage with the victim is against co-accused Pradip Kumar and the petitioner has clean antecedent and languishing in jail since 29.05.2022 Considering all these facts, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Rahui P.S. Case No. 267 of 2022.

(Shailendra Singh, J.)

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