

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57984 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- DHURAIYA District- Banka

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Jitendra Kumar Paswan S/O Visheshwar Paswan R/O Village-Jarama, P.O-
Kaswa, P.S-Mahgama, District-Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, App.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Dhuraiya P. S. Case No. 162 of 2021 registered for the offences punishable under Sections 366A and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 19.06.2021, the minor daughter of the informant, aged about 15 years was found missing, later on, the informant came to know, her daughter was eloped with one Jitendra Kumar Paswan. It is further submitted that on 22.06.2021, photograph of the marriage of her daughter was sent on her mobile phone. For the



aforesaid occurrence, the present F.I.R. has been instituted on 01.07.2021.

It has been submitted by the learned counsel for the petitioner that the victim girl was recovered and thereafter, her statement was recorded under Section 164 Cr.P.C. (Annexure 2), bare perusal of the same, it is evident that she herself left the home and thereafter called the petitioner and both of them solemnised marriage in a temple and started living as husband and wife. The victim girl was also produced before the Medical Board, where her age has been assessed in between 17 to 19 years. It is next submitted that even as per the F.I.R., there is no element of enticing against this petitioner and, as such, from the materials available on record, no case is attracted under Section 366A of the Indian Penal Code. It is also submitted that this petitioner has absolutely clean antecedent and he is in custody since 20.07.2021.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the statement of the victim recorded under section 164 Cr.P.C., lacking any allegation of enticement against the petitioner, let this petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P. S. Case No. 162 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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