

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69972 of 2021**

Arising Out of PS. Case No.-47 Year-2021 Thana- HARLAKHI District- Madhubani

DEEPAK PASWAN Son of Late Parikshan Paswan Resident of Village -
Patauna, P.S. - Basopatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-06-2022 At the outset, the learned counsel for the petitioner seeks permission to make certain correction in paragraph No. 1 of the present petition. The petitioner may do so, during the course of the day.

The petitioner seeks regular bail in connection with Harlakhi P.S. Case No. 47 of 2021, registered for the offence punishable under sections 363, 366(A), 34 and section 376 of the Indian Penal Code.

The petitioner is alleged to have enticed the victim girl and kidnapped her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 06.07.2021. The learned counsel for the petitioner by referring to the statement made by the victim girl u/s 164 Cr. P.C. before



the learned Magistrate, annexed as Annexure-2 to the present petition, has submitted that the victim girl is a major and she had voluntarily eloped with the petitioner and solemnized marriage in a temple at Rajasthan, hence, it is submitted that the petitioner is having no complicity in the matter. The learned counsel for the petitioner has also referred to the report of the Medical Board, which had examined the victim girl, annexed at page-22 of the present petition, to show that the age of the victim girl has been found to be 20 years. It is, thus, submitted that the parties are consenting adults, hence, no offence, as alleged, is made out under the provisions of the Indian Penal Code.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the statement made by the victim girl u/s 164 Cr. P.C. apart from the fact that the victim girl is major and she had voluntarily eloped with the petitioner and married him, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to



the satisfaction of the learned court of Additional District and Sessions Judge-VII cum, Special Judge, POCSO Act, Madhubani in connection with Harlakhi P.S. Case No. 47 of 2021.

(Mohit Kumar Shah, J)

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