

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19665 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- BAHADURPUR District- Darbhanga

Shivji Paswan @ Shivajee Kuamr Paswan Son of Dilip Paswan Resident of
Village-Baluahi, P.S.-Bahadurpur, District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Vinay Kumar Mishra, learned counsel for
the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Bahadurpur P.S. Case No. 25 of 2022 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

It is alleged that the minor daughter of the informant was forcefully taken away by the petitioner on his motorcycle and when the informant went to the house of the parents of the petitioner for restoration of the custody of his minor daughter, they abused and assaulted him. It is further alleged that family members of the petitioner are also involved in kidnapping of her minor daughter.

Learned counsel for the petitioner submits that, in



fact, the victim girl is a major one and soon after the institution of the FIR, her statement was recorded under Section 164 Cr.PC., wherein she has categorically stated that she voluntarily left her house and solemnized marriage with the petitioner and a baby is also born from their wedlock. He further submits that the victim has also been released in favour of the petitioner and she is living with him as his wife and, as such, no case is made out against the petitioner. Further submission has been made that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and will not indulge in tampering the evidence or intimidating the witnesses.

On the other hand, learned counsel for the State opposes the bail application and submits that while rejecting the prayer for bail of the petitioner, on perusal of the School Leaving Certificate of the victim, the learned court below has found the age of the victim as 17 years on the alleged date of occurrence.

Regard being had to the submissions made on behalf of the parties and considering the fact that even as per the School Leaving Certificate, the victim was found to be aged about more than 17 years on the alleged date of occurrence, coupled with the statement of the victim recorded under Section



164 Cr.PC, wherein she candidly stated that she voluntarily left her house and solemnized marriage with the petitioner and now she has been released in favour of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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-V, Darbhanga, in connection with Bahadurpur P.S. Case No. 25 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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