

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33593 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- RAMGARHWA District- East Champaran

Kundan Paswan @ Kundan Kumar Paswan S/O Buni Paswan @ Bunilal Ram
R/O village-Bairiya, P.S.-Ramgarhwa, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate Mr. Lal Babu Singh, Advocate
For the Opposite Party/s	:	Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Ramgarhwa P.S. Case No. 17 of 2022, registered on 11.01.2022 for the offences under Sections 366(A) and 34 of the Indian Penal Code.

3. As per prosecution case, the informant gave a written report that petitioner along with co-accused persons forcibly kidnapped her minor daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The so called victim is major and Medical Board assessed her age to be 18-19 years even the learned Magistrate who recorded her statement under Section 164 Cr.P.C. assessed her age to be 18 years.



The victim girl stated in her statement under Section 164 Cr.P.C. that she was in love that this petitioner and as her parents were trying to marry her with an aged 40 years old person, she fled away with the petitioner and solemnized marriage with him in Mumbai. Learned counsel further submits that this fact gets corroborated by delay in lodging the FIR as the FIR has been registered after 8 days of occurrence and there has been no satisfactory explanation for delay in lodging the FIR. It is also not believable that the daughter of the informant was forcibly taken away on a motorcycle from the house of the informant and the occurrence went unnoticed by the neighbors and this fact is also apparent from the FIR.

5. Learned APP opposes the prayer for bail anticipatory submitting that the informant has stated the age of the victim to be 15 years though he concedes that the age of the victim was assessed to be 18 years by learned Magistrate and 18-19 years by the Medical Board.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim appears to be a major and further considering her statement regarding her free-will in running away with the petitioner and solemnizing marriage with the petitioner in Mumbai and also considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, East Champaran, Motihari/ court concerned in connection with Ramgarhwa P.S. Case No. 17 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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