

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42153 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- EKCHARI District- Bhagalpur

GAURAV KUMAR @ GAURAV KUMAR PASWAN @GAURABH
KUMAR Son of Tilakdhari Paswan @ Tilak Paswan Resident of Village -
Ekchhari Diyara, P.s.- Ekchhari, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Davendra Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.
For the Informant	:	Mr. Swapnil Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Petitioner seeks bail in a case registered for the offence
punishable under Sections 366A/34 of the Indian Penal Code.

According to prosecution case, the petitioner is alleged
to have kidnapped the minor daughter of the informant for the
purpose of marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and in fact, the petitioner and victim were in love and they have performed the marriage. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C., in which, she has specifically stated that she has performed the marriage with the petitioner and she is living in her matrimonial house and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.11.2021.

The learned counsel for the informant as well as learned counsel for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that J.J. Board has determined the age of the victim on the date of occurrence is 15 years but fairly submits that the victim has stated in her statement under Section 164 Cr.P.C. that the petitioner got marriage with her.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Ekchari P.S. Case No. 24/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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