

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55597 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Vikash Paswan @ Vikash Kumar Son of Rajeshwar Paswan Residence of
village- Baghoi kala, P.S- Feshar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate.
For the Opposite Party/s : Mr. Pronoti Singh, Advcoate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mrs. Mukul Kumari, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Aurangabad Town P.S. Case No. 71 of 2022,
registered for the offences punishable under Sections 366(A)/34
of the Indian Penal Code.

In sum and substance, it is alleged that on 09.02.2022,
the niece of the informant had gone to attend the examination of
intermediate and while she was returning to his house, in the
meantime the petitioner forcibly took away the victim girl with



the help of his friend for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the occurrence took place on 09.02.2022, however, FIR was instituted on 13.02.2022 without assigning any reason for delay. She further submits that in fact there was love affair between the victim girl and the petitioner which resulted in solemnization of marriage and the victim is a married lady. In support of the marriage, learned counsel for the petitioner has brought on record the affidavits sworn by both the petitioner and the victim as contained in Annexure-2 and 2/A. She next submits that the statement of the victim was also recorded under Section 164 of Cr.P.C., wherein she categorically stated that she herself left her house and voluntarily went to Patna and thereafter solemnized marriage with the petitioner and there is no allegation of any enticement or inducement against the petitioner. She also submits that the victim was also examined by the medical board, where her age has been assessed between 18-19 years. She lastly drawn the attention of this Court to the certificate, the order of the chairman of Child Welfare Committee, Aurangabad, which clearly shows that she showed her intention that she wanted to live along with the petitioner and on her release, now she is



residing in the house of the petitioner.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the victim was minor on the alleged date of occurrence and her consent is meaningless in the eye of law.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of Cr.P.C., coupled with the age of the victim assessed during the course of medical examination and the affidavit filed by the victim and the petitioner having fair antecedent, is in custody since 07.05.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad Town P.S. Case No. 71 of 2022, subject to the condition that one of the bailors will be the close relatives 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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