

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20139 of 2024

Arising Out of PS. Case No.-358 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Rahul Kumar Paswan Son of Kritnarayan Paswan @ Krito Paswan @ Kito
Paswan R/O-Agapur, Ward No. 09, P.S.-Mansurchak, Distt.-Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-04-2024 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Patori P.S.Case No.358 of 2023, registered for the offences
punishable under Sections 363 and 366A/34 of the Indian Penal
Code .

3. Prosecution story in short is that the informant is
the 'Fufa' of the victim girl, who was allegedly kidnapped by
the petitioner in collusion with the other accused persons and
they forced her to marry with the petitioner. Thereafter, the
petitioner along with the victim girl went to Bangalore. The
victim girl is minor aged about 15 years.

4. Learned counsel appearing on behalf of the
petitioner submitted that the victim girl was in talking terms



with the petitioner and both had attended the marriage ceremony, which was solemnized in the house of '*Fufa*' of the victim girl. As the petitioner was in talking terms with the victim girl, on her own sweet-will, she eloped with the petitioner and performed marriage with the petitioner and thereafter they started living together in Bangalore. After returning on her own, the victim girl was produced before the special court and her statement was recorded under Section 164 Cr.P.C., in which she has admitted that she is 15 years old and the petitioner in collusion with other accused persons had kidnapped her, forcibly performed marriage with her and got physical relation.

5. Learned counsel further submitted that the case has been lodged by the '*Fufa*' of the victim girl and there is every possibility that the parents of the victim, who have not lodged FIR, are reluctant in pursuing the matter. As the petitioner has performed marriage with the victim, he is willing to keep her with full dignity and honour. There is also possibility that the victim, who is minor, may have been tutored before the statement under Section 164 Cr.P.C. was recorded.

6. Learned counsel in these backgrounds submitted that a chance may be given to the petitioner so that he may lead



his happy married life.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

8. Having considered the rival submissions made on behalf of the parties as well as there is direct allegation against the petitioner that he had kidnapped the minor girl but the parents of the victim have not lodged the FIR and are not interested to pursue the matter. It has been submitted that there is every possibility that the victim may have been tutored before recording of her statement under Section 164 Cr.P.C. The victim is minor and the petitioner has undertaken that he will keep the victim with full dignity and honour, which is against the mandate of law. It has been informed that the parties are willing to get the matter settled amicably within a period of six weeks from the date of order of this Court, subject to conditions that the victim being minor will live with her parents till she attains majority.

9. In view of the above, till above period of six weeks, no coercive action shall be taken against the petitioner in connection with Patori P.S. Case No.358 of 2023 pending before the court of Additional Sessions Judge VI cum Special Court (POSO) Samastipur. Thereafter, the parties will file their



respective affidavit.

10. The district court after perusal of the materials collected in course of the investigation and after recording the statement of the victim’s parents and all the witnesses including the petitioner finds it proper that the victim girl has attained the age of majority and she may live together with the petitioner, he may pass appropriate order in accordance with law.

11. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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