

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50523 of 2024**

Arising Out of PS. Case No.-76 Year-2024 Thana- SALIMPUR District- Patna

Sachin Kumar S/o Kamlesh Paswan R/o Village- Gayaspur Mahaji, P.S-  
Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Anjana, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      24-07-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody  
in connection with Salimpur P.S. Case No. 76 of 2024 registered  
for the offence punishable under Section 366A/34 of the Indian  
Penal Code.

3. Allegedly, the daughter of the informant was  
seduced and kidnapped by the petitioner with the help of other  
accused persons.

4. Learned counsel for the petitioner referring to the  
FIR, contended that the FIR clearly suggests that the victim left  
her house along with Rs. 40,000/- and some jewellery. In fact,  
the petitioner and the victim were in good relationship for longtime  
and when they became major, they solemnized marriage. The  
statement of the victim has also been recorded under Section



164 CrPC, wherein she has categorically stated that she voluntarily left her house and solemnized marriage. There is no allegation that she has ever been seduced or forced to illicit intercourse and, as such, there is no application of Section 366A of the I.P.C. The impugned order also suggests that the doctor opined the age of the victim below 18 years but it has not been disclosed the correct age of the victim and, as such, learned counsel for the petitioner contended that the benefit of doubt should be given in favour of the petitioner. It is lastly contended that the petitioner has been incarcerated since 28.03.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the victim appears to be a minor one and, as such, her consent has no meaning in the eyes of law.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 CrPC as well as the medical report, wherein there is no clarity of the age with regard to the victim, coupled with the fair antecedent of the petitioner and the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class Barh (Patna) in connection with Salimpur P.S. Case No. 76 of



2024, 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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