

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50696 of 2024

Arising Out of PS. Case No.-46 Year-2011 Thana- MOTIPUR District- Muzaffarpur

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Shankar Kumar Paswan @ Shankar Kumar SON OF LATE PUNAM
PASWAN RESIDENT OF VILLAGE- NARAYANPUR, KUSHAHI, P.S
-MOTIHARI DISTRICT- MUZAFFARPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 366(A) of the IPC in
connection with Motipur P.S. Case No.46 of 2011.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is in custody
since 11.03.2024 and the informant alleges that petitioner enticed
his minor daughter aged about 14 years on pretext of marriage
and kidnapped her.

4. The learned counsel for the petitioner submits



petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner and the victim were in love and they eloped. It is further submitted that though in the FIR it is alleged that age of the victim is 14 years, but then the said allegation has been levelled only to give serious colour to the case without any documentary evidence to substantiate the age. It is also submitted that doctor assessed the age of the victim in between 16-17 years, as such the presumption would be that victim is a major, but then it is submitted that after the victim came back under parental pressure her statement under Section 164 Cr.P.C. was recorded where she supported the case of the prosecution and alleged that petitioner misbehaved and even sold her for an amount of Rs.80,000/-. It is next submitted that had the victim been sold by the petitioner in that event, she would not have come back as she was not recovered by the police.

5. The learned APP for the State opposes the bail application and submits that the victim has supported the case of the prosecution and has specifically alleged that she was sold as stands recorded in the order impugned.

6. The learned counsel for the petitioner at this stage seeks permission to withdraw the regular bail application with



liberty to renew his prayer for bail after framing of charge.

7. Permission is accorded.

(Satyavrat Verma, J)

Prakash Narayan

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