

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50826 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- KHUDWA District- Aurangabad

Pintu Paswan @ Pintu Kumar Son of Kuljan Paswan R/o-Village- Chanda,
P.S.- Khudwan, Distt.- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Khudwan P.S. Case No. 01 of 2024, registered on 06.01.2024 for the offences under Sections 366(a) and 34 of the Indian Penal Code..

03. As per prosecution case, the minor sister of the informant was enticed away by the petitioner with intention to marriage.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The sister of the informant went away with the petitioner on her own volition. It was the sister of the informant who called the petitioner and both of them eloped and solemnized the



marriage. This fact has been stated by the victim girl in her statement recorded under Section 164 of Cr.P.C. as well as in an affidavit sworn by her. In the affidavit, the victim girl claimed her age to be 19 years. Learned counsel further submits that the petitioner is also aged about 18-19 years and he is in custody since 24.04.2024. Charge-sheet has been submitted in this case. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the victim girl is a minor and her consent is immaterial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact voluntary nature of act of the victim girl who is on the verge of majority when a girl develops sufficient majority and further considering the tender age of the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Khudwan P.S. Case No. 01 of 2024 (G.R. No. 21 of 2024),



subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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