

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54810 of 2024

Arising Out of PS. Case No.-289 Year-2023 Thana- PANDARAK District- Patna

Rohit Kumar Son of Shankar Paswan R/O Vill.- Gowasha Shekhpura, P.s.-
Pandarak, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Pandarak P.S. Case No. 289 of 2023, registered for the offences punishable under Section 366A of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the minor daughter of the informant was enticed away by the petitioner from her coaching for the purposes of marriage.

4. Learned Advocate for the petitioner contended that in fact both the petitioner and the victim girl were studying in the same coaching and they had good relationship, but later on, on account of pressure meted out by the family members of the



victim, the present FIR has been instituted. It is further contended that in fact both the petitioner and the victim left their house voluntarily and thereafter, returned to their home and there is no allegation that he has made any illicit relationship. The non-examination of the victim or refusal to examine by the doctor fortifies the aforesaid contention. It is also contended that the FIR was instituted on 29.12.2023, but surprisingly, the same has been sent to the concerned Court on 02.01.2024; the delay has not been explained.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., wherein, she has categorically stated that the petitioner has forcibly taken the victim to Jammu & Kashmir, where he abused, assaulted and threatened her.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that as per the matriculation certificate, the age of the victim has been disclosed as 17 years and, *prima facie*, the story appears to be not trustworthy, that the victim was taken by the petitioner without consent to Jammu & Kashmir, all along through public transport and thereafter, returned from there. Moreover, the



petitioner is a man of tender age, having fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st Barh, Patna in connection with Pandarak P.S. Case No. 289 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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