

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31113 of 2025

Arising Out of PS. Case No.-108 Year-2021 Thana- RAJEPUR District- East Champaran

RAUSHAN PASWAN @ RAUSHAN KUMAR, S/o Ramdeni Paswan,
Resident of village- Jhitkahiya, P.S.- Rajepur, District- East Champaran at
Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Ram, S/o Dorai Ram, R/o vill - Sahabadiya, P.O. - Madhopur Kesho,
P.S. - Rajepur, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard Mr. Aditya Kumar Pandey, learned Advocate

for the petitioner and Mr. Satyendra Narayan Singh, learned

APP for the State.

2. The petitioner is apprehending his arrest in
connection with Rajepur P.S. Case No. 108 of 2021 registered
for the offences punishable under Sections 363 and 366(A)/34
of the Indian Penal Code.

3. Allegation against the petitioner is of eloping the
sister of the informant with the help of other co-accused persons
for the purposes of marriage.

4. Learned Advocate for the petitioner submitted that
the alleged occurrence took place on 21.07.2021, but the present



F.I.R. came to be lodged on 01.08.2021 without there being any explanation of delay. In fact, the victim girl and the petitioner were in love and they voluntarily left their houses; solemnized marriage and now they have been living as husband and wife. It is further submitted that soon after the occurrence, statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has not made any allegation against the petitioner that she was forcefully taken away, rather she has stated that she voluntarily left the house and solemnized marriage. Her age has also been assessed as 18 years by the jurisdictional court. As per the education certificate and medical report, the age of the victim is said to be 17 ½ to 18 years. It is further contended that when the victim was confined to the Remand Home, she has filed Cr. Revision No. 133 of 2021 for her release in favour of the petitioner. It is lastly contended that the petitioner is a man of fair antecedent and undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that there is material available on record, which suggests that on the date of occurrence the victim was minor.

6. Regard being had to the submissions made on



behalf of the parties and considering the materials available on record, especially the stattement of the victim recorded under Section 164 of the Cr.P.C. and medical report as well as education certificate, which suggest the age of the victim as 17½ to 18 years at the time of alleged occurrence, apart from the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champran in connection with Rajepur P.S. Case No. 108 of 2021, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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