

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48486 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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1. Rupant Paswan Son Of Dukhi Paswan Village- Sangrampur, Ward No. 4, Ps- Sangrampur, Dist- East Champaran
 2. Rita Devi Wife Of Dukhi Paswan Village- Sangrampur, Ward No. 4, Ps- Sangrampur, Dist- East Champaran
 3. Dukhi Paswan Son Of Late Moti Hajara Village- Sangrampur, Ward No. 4, Ps- Sangrampur, Dist- East Champaran Petitioners

Versus

1. The State of Bihar
2. Nagendra Ram Son Of Late Ramchandraram Village- Sangrampur Pachhimitola, Ps- Sangrampur, Dist- East Champaran Opposite Parties

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 17-03-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 363, 366A, 504/34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, all the FIR named accused persons including these petitioners kidnapped 16 years minor daughter of the informant.

4. Learned counsel appearing for the petitioners submits that these petitioners are innocent and have falsely been implicated in this case. F.I.R. has been lodged after delay of 15 days without any explanation which renders the entire prosecution case doubtful. Learned counsel for the petitioners further submits that the victim in her 164 Cr.P.C. statement has denied the allegation and has stated that she herself left the



house to perform marriage with co-accused Vikesh Paswan, since there was love affairs between them. Victim has further stated that she has performed marriage with said Vikesh Paswan and she is leading happy conjugal life with him. Petitioners are relatives of Viesh Paswan. In the 164 Cr.P.C. statement, her age has been mentioned as 17 years. Learned counsel has placed reliance upon order of the Division Bench of this Court dated 23.09.2010 passed in Cr.W.J.C. No. 991 of 2010 (Sahebi Khatoon @ Sahebi Versus State of Bihar and other), wherein this Court has directed to treat a girl as major in case her age assessed to be between 16 to 17 years. Petitioners claim clean antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of these petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let all the three petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Judge, POCSO Act, Motihari, East Champaran in Sangrampur Police Station Case No. 107 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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