

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63547 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- DEV District- Aurangabad

Vinay Paswan son of Damodar Paswan Vill- Pachawkhar Chawrasiya Nagar
Ps -Deo Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi wife of Ram Chandra Chawrasiya Vill- Pachawkhar
Chawrasiya Nagar Ps -Deo Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 363, 366(A), 506/34 of the Indian Penal Code.

3. As per the prosecution case, this petitioner kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has not kidnapped the daughter of informant, rather she herself left her house on her own volition and solemnized marriage with this petitioner. The victim still resides in the house of petitioner and both are living together, as husband and



wife. The victim, in her statement recorded under Section 164 Cr.P.C., has denied the factum of kidnapping and has specifically stated that both of them solemnized marriage in a temple at Aurangabad on 26.02.2024. Learned counsel for the petitioner further submits that the Court below has assessed the age of the victim, as 17 years. In this connection, learned counsel for the petitioner 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. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the statement of the victim recorded under Section 164 Cr.P.C., the law laid down by this Court and clean antecedent of petitioner, the prayer for anticipatory bail of petitioner is allowed.

7. Accordingly, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond 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 Deo P.S. Case No. 46 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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