

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73750 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- KUMAR KHAND District- Madhepura

1. Suraj Kumar, Son of Arun Paswan, Resident of Village- Kolhaipatti, P.S.- Muraliganj, Distt.- Madhepura
2. Arun Paswan, Son of late Khonay Paswan, Resident of Village- Kolhaipatti, P.S.- Muraliganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Dinesh Prasad Verma, Advocate.
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The present petition has been filed on behalf of

the petitioners, apprehending their arrest, in connection with

Kumarkhand PS. Case No. 31 of 2024 dated 3.2.2024

registered for the offences punishable under Sections 363,

366A and 379 of the Indian Penal Code.

3. As per written report, the 16 years old minor

daughter of the informant was kidnapped by one Suraj

Kumar.

4. During investigation the alleged victim has

been recovered and she has given her statement under



Section 164 Cr.PC before the learned Judicial Magistrate stating that she is 22 years old and she had love affair with the accused petitioner No. 1. She has stated that she wanted to marry him and, hence, she left her house to solemnize marriage with him and even marriage has been solemnized. As per medical opinion, she is aged about between 17 and 19 years. However, as per the Headmaster of the school, she is about 16 years of age.

5. learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner No. 1 had not enticed the alleged victim. She had joined him on her own sweet will and both of them have married and the alleged victim is living happily in her matrimonial home. As such, no offence is made out against the petitioners.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of



the petition that the petitioners have got clean antecedent.

8. learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the fact that the alleged victim is matured enough and she has married the accused petitioner No. 1 and living at her matrimonial home, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Madhepura, in connection with Kumarkhand PS. Case No. 31 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them



and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

S.Ali/-

U		T	
---	--	---	--

