

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78863 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- BATHWARIA District- West Champaran

Amit Paswan Son of Endrasan Paswan Resident of Village- Pandi, P.S.-
Majholiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Javahir Yadav Son of Dhura Pandey Yadav Resident of Village-
Bathowariya, Bahor, P.S.- Bathwariya, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Preeti Kumari
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bathwariya P.S. Case No. 31 of 2024, registered for the offences punishable under Sections 366A, 379 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on 23.05.2024, the petitioner along with his friend enticed away the minor daughter of the informant, who left her home with the cash of Rs.2,00,000/- and jewellery worth Rs.1,50,000/-. It is further alleged that the petitioner had been running a Clinic in the house of Sudama Devi and when the informant went to the house of Sudama Devi, she assured that



his daughter shall be returned immediately.

4. Ms. Preeti Kumari, learned Advocate for the petitioner drawing the attention of this Court to the FIR contended that, *prima facie*, from the allegation it appears that the victim was a consenting party and thus she left her home with cash and valuables. During course of investigation the statement of the victim was recorded under Sections 161 and 164 of the Cr.P.C. wherein she has categorically stated that she went to Katra, Jammu and solemnized marriage with the petitioner on her own sweet will. Referring to the impugned order, learned Advocate for the petitioner further contended that as per the report of the Headmaster, Utkramit High School, Chandraha, West Champaran, the date of birth of the victim is shown to be 12.03.2004, as such, on the alleged date of occurrence she was about 20 years and thus major. In view of the aforesaid facts, it is thus contended that no case much less under Section 366A of the Indian Penal Code is made out; moreover Section 379 of the Indian Penal Code is concerned, that allegation has been levelled against the victim. She lastly contended that the occurrence took place on 23.05.2024 and the present FIR has been lodged on 09.06.2024, i.e., after a delay of 17 days, without there being any explanation.



5. On the other hand, learned Advocate for the State opposes the bail application and submits that apart from one criminal antecedent of identical nature, the petitioner has enticed away the daughter of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C as well as her age suggesting she being major as also the delay in lodging of the FIR, let the petitioner abovenamed 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Bagha, West Champaran in connection with Bathwariya P.S. Case No. 31 of 2024, 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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