

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79310 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- JOKIHAT District- Araria

Rohit Paswan @ Rohit Kumar Paswan S/O Bundel Paswan R/O Village-
Bairgachhi Jahanpur, Ward No. 04, P.S- Joki Hat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Jokihat P.S. Case No. 225 of 2024 registered for the offence
under Sections 366A, 120B, 341, 323, 354, 504, 506/34 of
the I.P.C.

3. The petitioner is named in the F.I.R. and is in
custody since 29.06.2024.

4. The allegation against the petitioner is to kidnap
the daughter of the informant aged about 16 years for the
purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the
petitioner submitted that the statement of victim was



recorded under Section 164 of the Cr.P.C. after her recovery where she claimed her age 17 years and categorically stated that she was in love affairs with this petitioner and she went with him out of her own consent to Nepal where she lived together for a week. It is submitted that the victim categorically stated that she established physical relation with this petitioner out of her own sweet will and finally she solemnized marriage with the petitioner and living together as husband and wife. It is further pointed out that after medical examination the doctor found age of victim between 18-22 years. It is further submitted that allegation *prima-facie* is not of kidnapping as to forced or seduced victim to solemnize marriage or to enter into intercourse with another person and therefore the case under Section 366(A) of IPC also not made out.

6. In support of his submission, learned counsel for the petitioner relied upon legal report of Hon'ble Supreme Court as available through ***Sat Parkash vs. State of Haryana*** reported in ***(2015) 16 SCC 475***.

7. While concluding the argument, it is submitted



that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

8. Learned APP opposes the prayer of bail.

9. In view of aforesaid factual submission and by taking note of fact as victim completely negate the allegation of kidnapping and rape/penetrative sexual assault through her statement as recorded under Section 164 of the Cr.P.C. qua petitioner, coupled with fact that investigation of this case is completed where petitioner is in custody since 29.06.2024, accordingly petitioner above named, is directed to be released on bail in connection with Jokihat P.S. Case No. 225 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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