

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85968 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- Bhopatpur District- East Champaran

Dhananjay Paswan S/o Lalbabu Paswan Resident of Village- Bhopatpur
Paswan Tola, P.S. - Bhopatpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nageshwar Sah S/o Late Shivmangai Sah R/o vill - Bhopatpur, P.S. -
Bhopatpur, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366-A, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegations against the petitioner is that he, along with the other co-accused persons, kidnapped the daughter of the informant for the purpose of solemnizing marriage.

4. Learned counsel for the petitioner submits that the allegations in the First Information Report are not correct and,



as a matter of fact, there was a love relationship between the petitioner and the informant's daughter who went along with the petitioner voluntarily without any threat or coercion. Such fact, finds support from the statement of the victim girl recorded under Section 164 Cr.P.C. which is available in the case diary and a perusal of the same would go to show that the victim is aged about 17 years and she was on talking terms with the petitioner for the last 5 years and finally she went away with the petitioner, upon being scolded by her mother and even got married to him. She has also stated that she wishes to go back to her matrimonial household. So far as the age of the victim is concerned, the medical examination of the victim would go to show that her age has been assessed to be between 18 to 19 years. On strength of such opinion, learned counsel for the petitioner submits that no case under the POCSO would also be made out. Further, the present FIR has also been lodged after a delay of about 10 days as the FIR was lodged on 18.06.2024 while the occurrence had taken place on 08.06.2024.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Taking into consideration the entire facts and circumstances of the case and also considering that the victim



had made a conscious and informed choice of going with the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 6th Additional Sessions Judge-cum-Special Judge POCSO, Motihari at East Champaran, in connection with Bhopatpur P.S. Case No.03 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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