

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25792 of 2015

Arising Out of PS.Case No. -177 Year- 2014 Thana -GORAUL District- VAISHALI(HAJIPUR)

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Rajeev Paswan, son of Shankar Paswan, resident of village- Sondho
Basudeo , P.S.- Goraul, District- Vaishali.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : M/s. Rajeev Kumar and Awadhesh Kr. Singh,
Advocates.

For the State : Mr. Dashrath Mehta, A.P.P.

For the Informant : Mr. Rajnath Sharma, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner seeks bail in connection with Goraul
P.S. Case No.177 of 2014 registered under Section 376 of the
Indian Penal Code.

The allegation of the informant, Shiv Chandar Rajak, is
that his daughter, Nilam Kumari, on 17.06.2014 had gone to
attend the call of nature in maize field where this petitioner caught
hold her and committed rape on her by pressing her mouth giving
threatening on the point of Fasuli. When the daughter-in-law of



the informant went there to search his daughter then she found his daughter weeping. On hulla being raised, villagers reached there and tried to caught hold the petitioner but the petitioner succeeded in fleeing away. The Fasuli recovered from there was kept by Mukhiya. While the villagers tried to pacify the matter by arranging Panchayati but the petitioner did not participate in the Panchayati. Thereafter, the villagers asked the informant to take legal steps.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the occurrence is said to be taken place on 17.06.2014 but the written report has been filed by the informant on 28.06.2014, after 11 days of the occurrence. It is also submitted that, in fact, the father of the petitioner has Taadi shop where the father of the victim used to take Taadi and on making demand of the arrears of the price of the Taadi, this false case has been lodged by the informant with false allegation against the petitioner. It is further submitted that while it is alleged in the F.I.R. that the Fasuli, which is said to be used to create fear by the petitioner on the victim, was kept by Mukhiya but Mukhikya has denied about keeping the Fasuli, which would appear from paragraph-61 of the case diary. While the victim has also stated about committing rape on her by the petitioner by

putting pressure but she has not stated about creating fear by Fasuli on her by this petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Goraul P.S. Case No.177 of 2014 . Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he is related with the petitioner.

(Rajendra Kumar Mishra, J)

P.S./-

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