

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54045 of 2015

Arising Out of PS.Case No. -2310 Year- 2010 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Mithu Paswan son of Rameshwar Paswan
2. Bimal Rishi @ Bimal Kumar Rishi son of Birendra Rishi
Both are residents of village- Katheli, P.S.- Jalalgarh, District-
Purnea Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi daughter of Dukhai Paswan wife of Sambhu Paswan, resident
of village- Sihia, P.S. Jalagarh, District- Purnea
.... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-12-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Complaint Case No.2310 of 2010 registered under Section 366 of
the Indian Penal Code.

According to the complaint, while the complainant was
going to her marital home along with her brother-in-law (Bahnoi),
the petitioners overpowered and forcibly took her to Delhi, where
she was kept for three days and both the petitioners committed
rape upon her. Thereafter, they took away all her ornaments and
left her at Babna bus stand. The complaint further alleges that she
called her brother Dinesh Paswan, who was employed in a private
firm in Delhi, on phone who took her to his own house, where she

stayed for three days and, thereafter, came back to Purnea and lodged the complaint.

The contention of the petitioners is that the story set up by the complainant is highly improbable. It is beyond imagination that a fully grown up woman, who was going along with her adult brother-in-law, could have been abducted by two unarmed persons from a busy chowk of Purnea and taken to Delhi by train. The informant never raised any hue and cry nor attempted to escape. The delay of fourteen days caused in institution of the complaint would further show that the entire complaint is nothing but an abuse of process of the court.

On the other hand, learned counsel for the State has contended that the complainant was released after three days of the occurrence at Delhi and, thereafter, she disclosed the entire story to her brother, who brought her back to Purnea and, thereafter, the complaint was filed.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the petitioner is directed to 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 S.D.J.M., Purnea, in connection with Complaint Case No.2310 of 2010 subject to the conditions as

laid down under section 438(2) of the Code of Criminal Procedure.

Md.S./-

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

(Ashwani Kumar Singh, J)

