

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10202 of 2015

Arising Out of PS.Case No. -285 Year- 2014 Thana -BISFI District- MADHUBANI

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Abdhesh Paswan @ Awadesh Paswan Son of Ajab Lal Paswan Resident of
village - Sakradhi, Police Station - Bisfi, District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-03-2015

Heard both sides.

The petitioner seeks bail in Bisfi P.S. Case No. 285/2014 registered for the offence under Section 376, 366(A) and other sections of the Indian Penal Code.

Abdul Samad, the father of the victim alleged that his daughter and niece used to attend coaching class of the petitioner, but the petitioner established physical relation with them and thereafter, daughter and niece stopped going to coaching class. It is further stated that on 05.11.2014, his daughter and niece became traceless and they were found near Aunshi Zero Mile with the petitioner.

It is submitted that there is no evidence that the petitioner ever established physical relation with the daughter and the niece of the informant. They were in love with the petitioner. Even on 05.11.2014 both left the house and found in the company of the petitioner. The doctor did not find any sign of rape. The victim made her statement under Section 164 of Cr.P.C. and she did not even state about the

physical relation. She only disclosed that the petitioner was ill behaving with her. Similar is the statement of Nikahat Perveen. No MMS or video recording was recovered from the possession of the petitioner or uploaded on any website.

On perusal of the record, it appears that the age of the victims are in between 18-19 years. The father of the victim made allegation against the petitioner that the petitioner forcibly established physical relation with his daughter and niece, but the daughter and niece of the informant left the house out of her free will and they were found in company of the petitioner near Aunshi Zero Mile. They made statement under Section 164 of the Cr. P.C. and did not state about establishing physical relation. The victims appear to be major according to the medical board.

Considering the facts aforesaid and the fact that the petitioner is in jail since 06.11.2014, he is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Shashi Bhushan, the Learned Judicial Magistrate Ist Class, Madhubani in connection with Bisfi P.S. Case No. 285 of 2014 (G.R. Case No. 3094 of 2014).

(Prabhat Kumar Jha, J.)

Vinita/-

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