

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37585 of 2016

Arising Out of PS.Case No. -190 Year- 2013 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Suresh Paswan @ Sukhari, Son of Rameshwar Paswan, resident of Village-Panditpur, Police Station- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 21-11-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is languishing in jail custody since 09-08-2014 in a case registered under Sections-366, 366A/34 of the Indian Penal Code and after investigation, police submitted charge sheet for the offence punishable under Section-376 as well as above-said sections of the Indian Penal Code.

The victim was recovered from house of the petitioner, which is evident from perusal of paragraph-51 of the supplementary case diary. Thereafter, the statement of victim was recorded u/S 164 of the Cr.P.C. in which, she stated that she was forcibly taken away by the petitioner with the help of his two friends, namely, Sunil and Lakhendra, and she was confined in a



room and on the next day, she was taken to Patna from where, she was taken to Bombay, where the petitioner again confined her in a room and forcibly, established sexual relation with her. The victim also stated that she was subjected to mental and physical cruelty by the petitioner. However, she was again brought to the village from where, police recovered her. The present occurrence is said to have taken place on 24-07-2013 whereas; the victim appears to have been recovered on 08-08-2014 i.e. one year after the alleged occurrence. The victim was, medically, examined by the doctor and she was found between 17-19 years.

Submission on behalf of petitioner is that the fact of the present case goes to show that the victim was either a consenting party or she was in love with the petitioner. It is further submitted that moreover, the petitioner is languishing in jail custody for more than two years and, therefore, he deserves the privilege of bail.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of the period of detention of the petitioner in jail custody, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Vaishali P.S. Case No. 190 of

2013 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to condition that one of the bailors must be close relative of the petitioner, who will swear an affidavit as to how he is related with the petitioner.

(Hemant Kumar Srivastava, J)

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