

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15794 of 2016**

Arising Out of PS.Case No. -8 Year- 2016 Thana -BALIGAON District- VAISHALI(HAJIPUR)

Rajeev Paswan, Son of Bahadur Paswan, Resident of Village- Laherichak,  
P.S.-Patepur, Dist.-Vaishali

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Pd. Singh(APP)

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3 25-05-2016 Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner is languishing in jail since 01.02.2016  
in connection with Baligaon P.S. Case No. 08/16 for offences  
alleged under Section 376/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,  
is that one Mahesh Rai along with petitioner has committed rape  
on her. On hulla villagers came and caught them red-handed.

It has been submitted by the learned counsel for  
the petitioner that the petitioner, who was *khalasi* of the said  
vehicle and the driver Mahesh Rai were caught by the villagers but  
they have not found the petitioner committing any overt act. He  
submits that the victim lady in her statement under Section 164

Cr.P.C. stated that the petitioner is innocent and the main accused is the driver Mahesh Rai. He further submits that the petitioner has no criminal antecedent and has been falsely implicated in the aforesaid case and that since charge-sheet has already been submitted against the petitioner, there is no chance of tampering with the evidence and he undertakes not to abscond or flee away.

However, learned APP for the State submits that the petitioner was present at the place of occurrence along with the driver and named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the victim lady has not stated any overt act committed by this petitioner in her statement under Section 164 Cr.P.C., let petitioner, above named, 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 Addl. Chief Judicial Magistrate, XII, Vaishali at Hajipur, in connection with Baligaon P.S. Case No. 08/16.

**(Nilu Agrawal, J.)**

Rajesh/-

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