

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29845 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MAHILA PS District- BUXAR

- =====
1. Nawal Kishore Paswan S/o Late Kedar Paswan
 2. Rajiv Paswan S/o Sri Nawal Kishore Paswan both resident of Mohalla - Chakia, Police Station Buxar in the district of Buxar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Akhileshwar Pd. Singh, Sr. Advocate.
Mr. Prabhu Narayan Sharma, Advocate.
For the Opposite Party : Mr. Arun Kumar, APP.
For the Informant : Mr. Bachchan Jee Ojha, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-10-2016 Heard Shri Akhileshwar Pd. Singh, learned senior
counsel for the petitioners, Shri Bachchan Jee Ojha, learned
counsel for the informant and learned APP for the State.

The petitioners apprehend their arrest in Buxar (Mahila)
P.S. Case No. 34 of 2016 registered for the offences punishable
under Sections 307, 354(A) (vi)(i), 354(B) and other Sections of
the Indian Penal Code.

The prosecutrix alleged that while she was taking
breakfast the petitioners Nawal Kishore Paswan, his son Rajiv
Paswan and Chandra Bhushan Paswan came and began to abuse.
When the prosecutrix objected, all the three accused persons
began to assault her. Nawal Kishore Paswan sat on her chest and

assaulted her after stripping her clothes. She also alleged that she earlier filed a case against petitioner no. 2 as he established physical relations after assuring to marry with her.

Learned counsel for the petitioners submits that father and son both were made accused in the case only to put pressure. Earlier the victim filed Buxar Mahila P.S. Case No. 33 of 2015 against petitioner no. 2 making allegation of rape. The petitioner no. 2 has already been enlarged on bail in the aforesaid case. The informant is in the habit of filing false cases against the villagers. She also filed a case against her father-in-law under Section 498A of the Indian Penal Code.

On the other hand learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the prosecutrix, her daughter and son supported the prosecution case. The petitioners are muscle men of the village and they do not behave properly with the informant.

It appears from the facts that the prosecutrix earlier filed Buxar Mahila P.S. Case No. 33 of 2015 against petitioner no. 2 under Section 376 and other Sections of the Indian Penal Code. The prosecutrix is a widow and she got two children aged about 14 years and 9 years. She has also filed a case against her father-

in-law.

Considering the facts aforesaid and the fact that the prosecutrix is in the habit of filing of case after cases, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 the Sub-Divisional Judicial Magistrate, Buxar in Buxar (Mahila) P.S. Case No. 34 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

KKSINHA/-

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