

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47462 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -MAHILA PS District- BUXAR

=====

Rajiv Paswan Son of Sri Nawal Kishore Paswan, R/o Village- Mohalla-
Chakia, P.S.- Buxar Muffasil, in the District of Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Sri Ataur Rahman

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
14.07.2017 in connection with Buxar (Mahila) P.S. Case No. 01 of
2017 for offences punishable under Sections 341, 323, 324, 506,
504, 448, 376, 120B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was away from the house and returned, she found
the petitioner is in the house. He had earlier been sent to jail on an
F.I.R. lodged by the informant herself against the petitioner in
Buxar P.S. Case No. 33 of 2015 for committing rape. Again the
petitioner forcefully committed rape on her and assaulted her for



many hours. It is also alleged that father of the petitioner also abused and instigated the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent. The informant is a widow lady, by relation his aunt and had liking for the petitioner and on objection, in retaliation, she had lodged false case against the petitioner. Earlier also two cases have been lodged by the informant herself against the petitioner in which he is on bail. He submits that no overt act has been committed and the petitioner has falsely been implicated. Charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has repeatedly committed rape on the widow lady.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of nine months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case



No. 01 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

U			
---	--	--	--

