

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2095 of 2018

Arising Out of PS.Case No. -201 Year- 2016 Thana -RIGA District- SITAMARHI

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Surendra Paswan son of Sukhari Paswan, resident of Village- Bhavdepur, P.S. Riga, Dist- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Khushbu Kumari wife of Ramu Kumar, D/o Shambhu Paswan, resident of Village- Majhaura, P.S. Riga Dist- Sitamarhi, presently residing at her matrimonial house at Village- Matiyar Khurd, P.S. Sahiyara, Dist- Sitamarhi.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sangeet Deokuliar, Advocate.

For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 20.11.2017 in connection with Riga P.S. Case No. 201 of 2016 for the offences alleged under Sections 376, 313, 323, 504 of the Indian Penal Code, 3 & 4 of the Dowry Prohibition Act and Section 4 of POCSO Act.

3. It is submitted that the petitioner has been falsely implicated and even according to the complaint, Ramu Kumar who happens to be the cousin of the petitioner's wife, was in love with the opposite party no. 2 and had established physical relationship with her as a result of which, she had become pregnant. It is submitted that the accusations under the penal sections as well as under the POCSO Act therefore do not attach to the petitioner. It is



further stated that the said Ramu Kumar and opposite party no. 2 are already married and living together as husband and wife and as such there is no substance in the allegation with regard to demand for dowry. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Sitamarhi, in connection with Riga P.S. Case No. 201 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at



liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/-

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