

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7399 of 2019

Arising Out of PS. Case No.-415 Year-2015 Thana- COMPLAINT CASE District- Banka

Mithilesh Paswan, S/o Shambhu Paswan, Resident of Village-Pathra, P.S-Barahat, District-Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kanchan Devi, W/o Santosh Raut, Resident of village-Pathra, P.S-Barahat, District-Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 354B, 379, 376, 504, 511/34 of the Indian Penal Code.

The prosecution case as per the complaint petition filed by one Kanchan Devi to the CJM, Banka on 18.03.2015 to the effect that on the same day at 7.30 A.M., when the complainant went to ease out, the petitioner caught hold her with intention to commit rape. On alarm being raised by the complainant, when the villagers came, then the complainant disclosed the act of the petitioner, in the meantime, the agnate of the petitioner, namely Nitish Paswan came, abused and assaulted the complainant with



a cricket bat. It is further alleged that the co-accused Nitish Paswan took away, a silver chain worth Rs.4000/- and a nose pin worth Rs.3500/-.

It is submitted by learned counsel for the petitioners that for the occurrence of 15.03.2015, the complaint was filed on 18.03.2015 and there is no injury report on record. In fact, the complainant is a family member of the petitioner and the petitioner used to object the indecent act of the complainant, hence, maliciously he has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that after finding the *prima facie* case true, the process has been directed to be issued after cognizance being taken against the petitioner.

Considering the delayed lodging of the complaint, the accusation not being corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned SDJM, Banka in connection with Complaint Case No.415 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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