

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16192 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- SIMRI District- Darbhanga

Chandeshwar Paswan, Son of Shiva Paswan, Resident of Village - Simari,
Tola Chamanpur, P.S.- Simari, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 376 of the Indian Penal
Code.

The prosecution case as per the written report of Sonajhari
Devi submitted to the S.H.O., Simri P.S. is to the effect that on
17.05.2018 at about 11.00 to 12.00 A.M., the informant along
with her two children, was sleeping in her house, in the
meantime, co-accused Vijay Paswan entered into her house and
after gagging, he ravished her and consequently, the informant



become unconscious. It is further alleged that when the informant regained her conscious, she went to make protest about the occurrence to the petitioner, who is the father of the co-accused Vijay Paswan, then the petitioner slapped the informant and also threatened her to kill.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the co-accused, Vijay Paswan and on conclusion of investigation the charge sheet has been submitted against the petitioner under Sections 341, 323, 504 and 506 of the I.P.C. whereas the co-accused Vijay Paswan has been chargesheeted under Section 376 of the I.P.C. but the learned C.J.M., Darbhanga differing with the final has taken cognizance under Section 376, 323, 341 and 504 of the I.P.C. against the petitioner also. It is further submitted that co-accused Vijay Sahni against whom accusation under Section 376 of the I.P.C. has been levelled, has been granted bail by a Co-ordinate Bench of the Court vide order dated 04.10.2018 passed in Cr. Misc. No.51697 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.



Considering the fact that neither in the FIR accusation under Section 376 of the I.P.C. has been levelled against the petitioner nor the police after conclusion of the investigation found any case under Section 376 of the I.P.C. against the petitioner and similarly situated co-accused person against whom specific accusation under Section 376 of the I.P.C. has been levelled being granted bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M.-VII, Darbhanga** in connection with **Simari P.S. Case No.65 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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