

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70558 of 2018

Arising Out of PS. Case No.-157 Year-2018 Thana- CHAUSA District- Madhepura

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Pawan Kumar Mehta, S/o Mahendra Mehta Resident of Village-Kalasan, P.S.
Chausa, Distt.-Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha

For the Opposite Party/s : Mr.Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-01-2019 Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
15.06.2018 in a case registered for the offences punishable
under Sections 341, 323, 354, 379, 376, 504 and 506/34 of the
Indian Penal Code.

The prosecution case as per the written report of
informant dated 14.06.2018 submitted to the Station House
Officer of Chausa Police Station is to the effect that on
13.06.2018 the informant was going to her house. At 6.00 P.M.,
when she reached behind the Polytechnic College, three
persons, named in the FIR



including the petitioner started following her and saying filthy and vulgar words and thereafter, they started abusing and assaulting the informant and snatched her bag containing a mobile phone, jewelleary and Rs.3,000/-. It is alleged that co-accused Nitish Kumar and Pritam Kumar pushed the informant on the ground when the petitioner ravished her and thereafter they threatened the informant for the consequences. Subsequently, the informant went to her house and conveyed about the occurrence to her parents and thereafter, the written report was submitted in the police station.

It is submitted by learned counsel for the petitioner that, in fact, the petitioner had love affair with the victim and there was some dispute with regard to taking of mobile phone and this fact has been corroborated by independent witness Balo Mandal in paragraph 43 of the case diary. The accusation of ravishing on the public place and there being no eye witness to the occurrence\ seems unbelievable and bizarre. The medical report also does not suggest any injury on the person of the informant, particularly, on the private part. It is further submitted that the age of the informant has been assessed as between 17 to 19 years. Though, the victim was medically examined on 15. 06.2018 but no sperm was found during



pathological examination of vaginal swab of the victim. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the accusation has supported by the informant in her statement recorded under Section 164 Cr.P.C.

Considering the fact that the accusation was not supported by the independent witness, who was present at the time of alleged occurrence, accusation is not corroborated by the medical opinion and the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, 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, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 157 of 2018.

(Dinesh Kumar Singh, J)

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