

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44291 of 2019**

Arising Out of PS Case No.-472 Year-2018 Thana- BARARI District- Katihar

Bhagwat Paswan, aged about 37 years (Male) Son of Late Andu Paswan,
Resident of Village- Rauniya, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the Opposite Party No. 2	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 27-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant, who has *suo
motu* appeared.

2. The petitioner seeks bail in Barari P.S. Case No. 472
of 2018 dated 18.12.2018 instituted under Sections 376, 341, 323,
504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is of abducting
the informant and rapping her at gun point.

4. Learned counsel for the petitioner submitted that in
the FIR itself, it has been mentioned that there is dispute relating
to passage between the parties and they are neighbours. It was
submitted that under such circumstances, a neighbour committing



the offence is highly improbable and most importantly, during the night no hue and cry was raised and nobody made any effort to locate the informant, if such abduction story is true, which raises questions on the genuineness of the allegation made. It was further submitted that even the doctor has not found any injury or sign of rape or forcible intercourse on the informant. Learned counsel submitted that the petitioner is in custody since 14.03.2019.

5. Learned APP and learned counsel for the informant, from the case diary submitted that the informant was a newly wedded woman and the petitioner is a strongman of the locality and further, that due to land dispute, for grabbing the land in question such offence was committed. It was submitted that the informant being married, there could not have been any positive sign of rape/sexual intercourse and the statement of the victim itself is sufficient to stand the scrutiny of / challenge to such version.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge 1st cum Special Judge, POCSO Act, Katihar in Barari P.S.
Case No. 472 of 2018.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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