

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65459 of 2018

Arising Out of PS. Case No.-81 Year-2015 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Lakhindra Paswan S/o Baso Paswan, R/o Village- Kanahauli, P.S.- Mahua,
District- Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rani Devi, W/o Bhupendra Ram, R/o Azad Nagar, Ward No. 7, P.S.
Madhepura Sadar, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sandeep Kumar, Mr. Rana Vikram Singh, Advocates
For the OP No. 2	:	Mr.Ranjeet Kumar Singh, Adv
For the State	:	Mr.J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 376, 354, 323, 341, 342, 467, 468, 471, 120(b)/34 IPC
registered in connection with Complaint Case No. 81/2015.

3. It is submitted that the petitioner has been falsely implicated
in retaliation only after her application for compassionate
appointment was rejected by the concerned committee of which the
petitioner is not a member. The petitioner has been implicated merely
because he happens to be the Executive Officer, Nagar Parishad,
Madhepura and had no role to play in the matter of compassionate
appointment in the Home Guard Service. The allegation that the
petitioner along with co-accused Santosh Kumar Singh continued to
commit rape on the complainant/informant for about 7-8 years in the
past is itself improbable. It is further pointed out from memo no. 1248
dated 10.09.2014 (Annexure-4) that one Ramesh Kumar, Home Guard
No. 350634 was responsible for the forged documents of the



complainant/informant and for which he was relieved off duty of Munshi in the office of Home Guard. It also transpires from the letter dated 14.07.2015 from the District Magistrate, Madhepura to the Superintendent of Police, Madhepura that the complainant/informant had been threatening several employees that she would implicate them in false cases (Annexure-A series). The petitioner claims clean antecedents.

4.Learned APP assisted by learned counsel for the informant appear and oppose the anticipatory bail application.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 ACJM-II, Madhepura, in connection with Complaint Case No. 81/2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further 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. 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.

(Vikash Jain, J)

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