

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48513 of 2019

Arising Out of PS. Case No.-18 Year-2017 Thana- MAHILA P.S. District- Vaishali

1. Sube Lal Paswan, Son of Late Jamun Lal Paswan, Resident of Village-Tal Sehan, Chhotki Chapra Police Station-Goraul, District-Vaishali.
2. Rajesh Paswan @ Rakesh Paswan, Son of Sube Lal Paswan, Resident of Village-Tal Sehan, Chhotki Chapra Police Station-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahila P.S. Case No. 18 of 2017 registered under Sections 323, 504, 354(B) and 376/34 of the Indian Penal Code read with Sections 04,08 and 10 of POCSO Act.

The accusation is of committing rape by the petitioner no. 1 with the minor daughter of the informant, Bhola Paswan.

Learned counsel for the petitioners submits that, in fact, petitioners and the informant are co-villagers and due to dirty village politics, the present case has been lodged by the



informant with false allegation. Further submission is that while it is alleged in the F.I.R. that petitioner no. 1 committed rape with the daughter of the informant but victim, daughter of the informant, has stated in her statement under Section 164 Cr.P.C. about only carrying her and unfold cloths and specifically denied about committing rape by the petitioner no.1, which would appear from annexure 2. Moreover, after settlement of dispute in between the petitioners and the informant, both parties have filed compromise petition in the court of S.D.J.M., Vaishali, Hajipur.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahila P.S. Case No. 18 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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