

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55668 of 2019

Arising Out of PS. Case No.-217 Year-2019 Thana- BAHERA District- Darbhanga

NITISH KUMAR PASWAN Son of Sunil Paswan Resident of Village -
Nanaura, P.O. - B.K. Ashthan, P.S.- Keoti, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-09-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant is also
present.

The petitioner is in custody since 16.06.2019 in
connection with Bahera P.S. Case No.217 of 2019 registered for
the offence punishable under Sections 376,504,313 IPC.

Learned counsel for the petitioner submits that the
entire case is false and fabricated and has been lodged by the
informant with the intention to compel the petitioner to marry
the victim girl. It is further submitted that the petitioner is
merely 19 to 20 years old and was visiting the house of his
uncle and the girl's family was wanting a matrimonial alliance
with the petitioner and since the same was declined, the present
case has been filed making false and concocted allegations
against the petitioner. It is further stated that the victim girl was



examined at the Department of Obstetrics and Gyneacology Darbhanga Medical College and Hospital and her age has been found between 18 to 19 years and the report indicates that there is no sign of any recent medical termination of pregnancy as has been alleged in the FIR. He thus submits that the medical report belies the prosecution story and therefore there being a distinct cloud on the prosecution story the petitioner may be released on bail.

Learned counsel for the informant however submits that it is a clear cut case, where the petitioner after having a physical relationship with the victim girl has become clearly evasive though having entered into physical relation on the assurance of marriage. After hearing learned counsel for the petitioner and learned counsel for the informant and on perusal of the Medical Report which has been annexed to the bail application, there appears to be a clear element of doubt with regard to the allegations as levelled against the petitioner.

In view of aforesaid facts, let petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Benipur, Darbhanga in connection with Bahera P.S. Case No.217/2019, subject to



condition that:

(1) One of the bailor will be his father.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the Stte shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Prakash Narayan /-

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