

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77976 of 2018

Arising Out of PS. Case No.-199 Year-2018 Thana- GORAUL District- Vaishali

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1. Bablu Paswan, S/o Amrit Paswan,
 2. Umesh Paswan S/o Surendra Paswan,
 3. Bipin Paswan S/o Ganesh Paswan,
 4. Parwesh Paswan S/o Mahendra Paswan, All R/o Vill.- Mohammadpur Pojha,
P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Opposite Party/s : Mr.Sri Mithilesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-01-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in connection with Goraul P.S. Case No. 199 of 2018 registered for the offence punishable under Sections 341, 323, 376 (D), 379, 504, 506/34 of the Indian Penal Code.

Informant is the victim girl, who in her written complaint has alleged that on 23.06.2018 there was a marriage in her neighbourhood and whole family was engaged, meanwhile she had gone outside to attend the call of nature and was talking to cousin of her brother in law Prem Kumar Paswan and meanwhile all accused saw them and started abusing them



and thereafter over powered Prem Kumar Paswan and assaulted him and committed rape with her after dragging her in the filed.

It has been submitted on behalf of the petitioners that they have been falsely implicated in this case for extraneous reasons and girl is major and the Medical Board has also assessed her age between 18-20 years. In her statement recorded under Section 164 of Cr.P.C. she has not stated regarding any rape being committed upon her by the accused. It has further been submitted that subsequently she has admitted that she was having love affair with Prem Kumar Paswan who was humiliated and insulted by petitioners and in retaliation and at his instance she had instituted present case. It has been further submitted that the date of occurrence is 23.06.2018, however, the FIR was instituted on 02.07.2018 and delay has not been explained. Petitioner Nos. 1 and 3 have no criminal antecedent, however, petitioner No. 2 is accused in a mob lynching case. Charge sheet has already been submitted.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur, in



connection with Goraul P.S. Case No. 199 of 2018 subject to the
conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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