

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18342 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- MAHILA P.S. District- Araria

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SUMAN KUMAR PASWAN @ SUMAN PASWAN Son of Tetar Paswan
Resident of Village - Baijnathpur Ward No. 05, P.S.- Distt - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Ms. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-08-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Ms. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Special (POCSO) Case No. 30 of 2019 arising out of Araria (Mahila) P.S. Case No. 56 of 2019 for the offence punishable under Sections 376, 504, 506, 447/34 of the Indian Penal Code.

The case of the prosecution in brief as per the written application of the informant, namely, Nirmala Devi, submitted before the S.H.O. Araria is that her daughter aged about 12 years was having friendship with the accused i.e. the petitioner



herein and on the eve of Sarswati Puja in the year 2018, the accused i.e. the petitioner herein had forcibly put vermilion five times on the forehead of the daughter of the informant, whereafter he used to try to establish sexual relationship with the daughter of the informant but she used to obviate the same, however, subsequently the petitioner is alleged to have forcibly established sexual relationship with the daughter of the informant resulting in her becoming pregnant but thereafter, the petitioner refused to marry her.

The learned counsel for the petitioner has submitted that the victim girl is major and the sexual relationship between the petitioner and the victim girl is consensual, hence the petitioner is fit to be granted the privilege of bail. The learned counsel for the petitioner has also referred to the medical report to show that the age of the victim girl has been assessed to be in between 19-20 years. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 05.12.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the petitioner and gone through the materials on record as also perused the case diary in question. It is apparent from the materials available in



the case dairy that a prima facie case under the offences alleged is definitely made out as against the petitioner herein. Even the statement made by the victim girl under Section 164 Cr. P. C. before the learned Magistrate shows the complicity of the petitioner in the alleged crime. It is apparent from the records that the petitioner has allured the victim girl and committed rape with her.

Considering the facts and circumstances of the case as also taking into account the heinous nature of crime committed by the petitioner herein, I am not inclined to grant bail to the petitioner, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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