

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20625 of 2020

Arising Out of PS. Case No.-915 Year-2019 Thana- AHYAPUR District- Muzaffarpur

RAKESH PASWAN (Male), aged about 32 years, Son of Late Ganga Paswan,
Resident of Mohalla - Soda Godown, Chandwara, P.S.- Town, District -
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Chandra Shekhar Anand, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 420, 384 and 376 of the IPC.

The prosecution story, in brief, is that the petitioner



established physical relationship with the complainant-informant on assurance of marriage, but subsequently he resiled from his promises.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 29.02.2020. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. On earlier occasion, the complainant/informant had instituted a complaint case against the petitioner and others for similar allegation. It is alleged that on the pretext of marriage, physical relationship was established between the petitioner and the complainant. It is further submitted that consensual physical relationship is said to have been established on the pretext of marriage. The petitioner has further relied upon the case of the Hon'ble Supreme Court since reported in 2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharastra and Ors). Since it is consensual physical relationship, no offence under Section 376 of the IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned C.J.M. Muzaffarpur, in connection with Ahiyapur P.S. Case No. 915 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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