

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27313 of 2020**

Arising Out of PS. Case No.-877 Year-2019 Thana- DANAPUR District- Patna

RAJESH KUMAR Son of Krishan Deo Paswan @ Bishnu Deo Paswan
Resident of Village- Sipara Dih, Police Station- Beur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-10-2020 Heard Mr. N.K. Agrawal, learned Senior Counsel for

the petitioner and Mr. Nagendra Prasad, learned APP for the

State.

Petitioner in the present case is seeking regular bail
connection with Danapur P.S. Case No. 877/2019 registered for
the offences under Sections 376, 417 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
from the First Information Report itself it would appear that the
informant had developed friendship with this petitioner and it is
her admission that both of them were meeting regularly, the
allegation is that the petitioner had promised the informant to
marry her, the informant had gone on a tour to Mumbai with the
petitioner where the petitioner had put her intoxicated
condition and then established physical relationship and also



prepared a video. She alleged that the petitioner was abusing her and on many occasions had beaten her and now he was going to marry someone else on 2nd December.

Learned Senior Counsel further points out from the secondary examination certification enclosed as Annexure '3' as also from her statement it would appear that her age is 22 years in the year 2019 being her date of birth as 06.02.1997 and she has categorically stated that she was in relationship with this petitioner for last four years. Learned counsel submits that in any case the continued relationship of four years of the informant and this petitioner and her visiting Mumbai and staying with the petitioner are factors which may be taken into consideration for the purpose of grant of bail. The submission is that the informant was adult and she was visiting with the petitioner to different places and then she had never made any complaint of forcible physical relationship established by the petitioner as is being alleged now, the petitioner being in custody for over seven months and that he is a government servant the petitioner deserves privilege of regular bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the statement of the informant



that she was in relationship with this petitioner for about four years and she had herself gone with the petitioner to Mumbai and stayed there with him then thereafter she had not made any complaint alleging any forcible physical relationship established by the petitioner, her age being that of 22 years and the petitioner is a government servant and has remained in custody for over seven months, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Danapur, in connection with Danapur P.S. Case No. 877/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

