

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28900 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- MAHILA PS District- Darbhanga

SURJIT PASWAN S/o Radhe Paswan Resident of Village- Parsa Bishanpur,
P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-12-2020 The learned counsel for the petitioner and the learned
A.P.P. for the State Mrs. Anita Kumari Singh were heard at
length day before yesterday and today the present case has been
listed 'For Orders'.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 102 of 2019 for the offence punishable
under Sections 376, 354(B), 354(C)/34 of the Indian Penal
Code.

The case of the prosecution in brief is that the petitioner is
alleged to have raped the informant about three years back
whereafter the petitioner used to regularly rape her upon getting
appropriate chance, however, since one month back the
petitioner is alleged to have been trying to rape the younger
sister of the informant and when the informant had objected,
the petitioner used to threaten the informant that if she does not



allow him to establish physical relationship with her sister, he would make her obscene photographs viral. It is also alleged that one Mukesh Sharma, who was engaged to manufacture doors and windows in the house of the informant during the Muharram period for a period of about 20 days, had taken her mobile number and used to regularly call her and engage in obscene talks as also wanted to engage in physical relationship with her. The informant has further alleged that her co-villager Bustar Paswan had an altercation with her family members whereafter both Bustar Paswan and Mukesh Paswan used to stalk the informant and her sister and about one month back both of them had entered the house of the informant in the night and had engaged in eve teasing, however, upon raising alarm they had fled away. Lastly, it is alleged that on 15.12.2019, the sister of the informant had gone out of her house at about 5:30 p.m. in the evening, however, when she did not come late in the night, search was made but she could not be found and on 28.12.2019 at about 8:30 in the morning her dead body was found in the pond.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 01.01.2020.



The learned counsel for the petitioner has further submitted that there is no material on record, except suspicion, to show the complicity of the petitioner in the alleged crime and even in his confessional statement, the petitioner has not accepted the factum of having killed the deceased and on the contrary he had stated that after he came to know that the sister of the informant was missing, he had also reached the village and had started searching for the sister of the informant.

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

Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on the record as also those available in the case diary, I am of the view that minuscule evidence is available on record so as to connect the petitioner with the alleged crime especially in view of the fact that firstly there is no eye witness to the alleged occurrence, secondly there is no evidence of the petitioner having been last seen with the sister of the informant and lastly even the call detail report of the mobile number of the petitioner herein shows that there was no talk in between him and the informant for the past 15 days. As far as the allegation of the petitioner having established physical



relationship with the informant since past three years is concerned, the same appears to be consensual, if at all true, especially in view of the fact that the informant is a major, thus I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 102 of 2019.

(Mohit Kumar Shah, J)

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