

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25506 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- SAKRI District- Madhubani

RAVI PASWAN Son of Shiv Paswan Residence of Village - Pandaul Bazar
Tole, P.S.- Sakri, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-12-2020 Heard learned counsel for the petitioner and Ms.
Veena Kumari Jaiswal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sakri P.S. Case No. 43 of 2020 registered for the offence punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

Earlier on 01.10.2020 after referring to the submissions on behalf of the petitioner, this Court called for the case diary and at the same time granted provisional bail to the petitioner. The said order is reproduced hereunder:-

“Learned counsel for the petitioner undertakes to remove the defects pointed out by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Veena Kumari Jaiswal, learned APP for the State.



The petitioner in the present case is seeking regular bail in connection with Sakri P.S. Case No. 43 of 2020 registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

Learned counsel for the petitioner has drawn the attention of this Court towards the statement of the victim girl under Section 164 Cr.P.C. in which her age has been mentioned as 19 years and in her statement she has stated that she was in love with this petitioner and they had married about 10-15 days back at Pandaul Kali Mandir and thereafter she was living with this petitioner. She has further stated that this petitioner has not committed any wrong and he is not at fault. She also wanted to go with the petitioner.

Referring to the medical report enclosed with the petition, learned counsel submits that the informant and the victim girl both refused to go for medical examination and this fact is stated by the Medical Board. It is submitted that though in the impugned order the learned Sessions Judge has recorded about a birth certificate of the victim showing her date of birth as 05.03.2005 but the same is not correct and it seems to have been procured by the informant and has been used against the petitioner. The fact is that the victim girl is residing as wife of the petitioner in his house and she is also carrying a pregnancy of four months.

Call for a legible carbon/photostat copy of the case diary of Sakri P.S. Case No. 43 of 2020 from the court of learned Chief Judicial Magistrate, Madhubani.



List this case on 23rd November, 2020 with case diary.

Ms. Veena Kumari Jaiswal, learned APP for the State is present and has though opposed the prayer for regular bail of the petitioner but in view of the submissions made hereinabove on behalf of the petitioner, this Court directs release of the petitioner on provisional bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 43 of 2020, subject to the conditions as laid down under Section 437(3) of the 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, or 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 he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

List accordingly ”

Today learned counsel for the petitioner has produced



the victim girl from her Chamber and the victim girl has stated that she is living a happy conjugal life with this petitioner.

Ms. Veena Kumari Jaiswal, learned APP for the State has remained present in course of the statements made by the victim girl.

In the given facts and circumstances of the case, learned APP for the State has also submitted that no purpose will be served by sending the petitioner behind the bars.

Let the provisional bail granted to the petitioner vide order dated 01.10.2020 be confirmed on the same bail bond.

The application is disposed of accordingly.

(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'.

