

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47654 of 2019

Arising Out of PS. Case No.-29 Year-2018 Thana- CHANDRAMANDI District- Jamui

Bhim Lal Paswan Son of Chaturgun Paswan @ Badri Paswan Resident of
Village - Raichor, P.S.- Chandramandih, Distt – Jamui. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 18-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Chandramandi P.S. Case No. 29 of 2018, registered for the offence punishable under sections 366A, 376 and 34 of the Indian Penal Code.

As per allegation made in the F.I.R., while the 17 year old informant was returning to her house along with her mother, sister and brother, she was forcibly taken away by the accused persons including Riko Pawan on motorcycle for the purpose of marriage. The informant narrates about the places where she was taken and the places where the accused persons kept her. It is finally stated that Vinod Yadav and the petitioner had committed rape on her along with Riko Paswan.



It is submitted by learned counsel for the petitioner that although a vague allegation has been levelled against the petitioner in the concluding portion of the FIR, however on the victim returning, her statement was recorded under section 164 Cr.P.C. wherein no allegation against the petitioner of committing rape on her has been made by the informant. It is stated that even for sake of argument, if the statement recorded under section 164 Cr.P.C. is taken to be true, the allegation against the petitioner is that he was holding pistol and had threatened the informant. It is further submitted that one of the other co-accused namely, Bharat Yadav has been given a clean chit by the police authorities and the petitioner has been implicated inspite of the case of both the persons being identical. It is finally submitted that the petitioner has no criminal antecedent and has been falsely implicated in this case only because of his relationship with Riko Paswan.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR that it was the petitioner along with others who had committed rape on the minor victim as also which has been



substantially supported in the statement under section 164 Cr.P.C., wherein once again she named the petitioner being armed with pistol and threatening the informant, this Court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected. He is directed to surrender within a period of four weeks.

(Partha Sarthy, J)

sushma/-

U		T	
---	--	---	--

