

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18631 of 2021

Arising Out of PS. Case No.-632 Year-2020 Thana- SARAIYA District- Muzaffarpur

Dhirendra Paswan @ Moti Paswan S/O Ramdeo Paswan Resident Of Village
Pokhraiya South Tola, P.S-Saraiya, District-Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Mrityunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-10-2021 Heard learned counsel for the petitioner and Mr.
Mrityunjay Kumar Gautam, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Saraiya P.S. Case No. 632 of 2020 registered for the offences punishable under Section 376 of the Indian Penal Code. He is in custody since 25.09.2020. The petitioner has, otherwise, no criminal antecedent.

As per the prosecution story, the victim who is a widow lady was raped by this petitioner in the year 2019. The victim conceived from the said rape and when she was pregnant a panchayati was held in which the petitioner accepted his guilt and agreed to provide a sum of Rs. 10,000/- for medical care of the victim. The victim has alleged that on 6th of September, 2020 she has given birth to the child and now because she is a widow and has given birth to a child, it has become difficult for her to



live in the society as her child is being called an illegal child.

Learned counsel for the petitioner has strenuously argued before this court that the alleged occurrence of rape had taken place about eight months back and the F.I.R. is being lodged at this stage only with sole intention to harass this petitioner.

Learned A.P.P. for the State has placed before this court the materials collected in course of the investigation. Investigation has revealed that the panchayat had taken place, copy of panchnama is on the record. A copy of the complaint made by the victim to the Sarpanch of the Gram Kutchery, Panchayat Raj Pokhrai is also available in the case diary and further the copy of the Panchnama dated 16.08.2020 on which the signature of the petitioner is present is also available in the case diary.

Considering the gravity of the offence alleged and that the petitioner has been allegedly involved in commission of heinous crime of moral turpitude and the matter disclosed in the case diary are sufficient to indicate his involvement, at this stage in view of the overwhelming materials, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus,



refused.

Let the trial be expedited.

Case diary is on the record.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

