

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No. 28833 of 2021**

Arising Out of PS. Case No.-56 Year-2019 Thana- MAHILA P.S. District- Araria

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SUMAN KUMAR PASWAN @ SUMAN PASWAN Son of Tetar Paswan  
Resident of Village - Baijnathpur, Ward No. 5, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anamul Haque, Advo.

For the State : Mr. Ashok Kumar, APP

For the informant : Mr. Mukesh Kr. Rana, Advo.

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL ORDER**

2      11-08-2021                      The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.



At the outset, the learned counsel for the petitioner submits that in paragraph no. 1 of the present petition, the F.I.R. number has been wrongly mentioned as Araria Mahila PS case no. 30 of 2019 whereas the same should be Araria Mahila PS case no. 56 of 2019. Accordingly, it is directed that the F.I.R. number mentioned in paragraph No. 1 of the present petition be read as Araria Mahila PS case no. 56 of 2019.

The present petition is by way of second attempt at the behest of the petitioner, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by an order dated 25.8.2020, passed in Cr. Misc. no. 18342 of 2020 in connection with Araria (Mahila) P.S. Case No. 56 of 2019 for the offence punishable under Sections 376, 504, 506, 447/34 of the Indian Penal Code.

The case of the prosecution in brief as per the written application of the informant namely Nirmala Devi, submitted before the S.H.O. Araria is that her daughter aged about 12 years was having friendship with the accused i.e. the petitioner herein and on the eve of Saraswati Puja in the year 2018, the accused i.e. the petitioner herein had forcibly put vermilion five times on the forehead of the daughter of the informant, whereafter he used to try to establish sexual relationship with



the daughter of the informant but she used to obviate the same, however, subsequently the petitioner is alleged to have forcibly established sexual relationship with the daughter of the informant resulting in her becoming pregnant but thereafter, the petitioner refused to marry her.

The learned counsel for the petitioner has submitted that the petitioner is still ready to marry the victim girl, hence he be granted the privilege of bail, more so, since he has been languishing in custody since 05.12.2019.

*Per contra*, the learned APP for the State Sri Ashok Kumar has vehemently opposed the prayer for bail.

The learned counsel for the informant Sri Mukesh Kr. Rana, Adv. has also opposed the prayer for bail and has submitted that the victim girl is not ready to marry the petitioner and it is her stand that the petitioner has sexually abused and raped her on a regular basis, as such it is submitted that no sympathy should be shown towards the petitioner.

I have heard the learned counsel for the parties and gone through the materials on record, from which it appears that this Court by a detailed and reasoned order dated 25.08.2020, passed in the earlier bail petition filed by the petitioner, had



found that a prima facie case is definitely made out as against the petitioner herein, under the offences alleged and even the statement made by the victim girl under Section 164 Cr. P. C. before the learned Magistrate shows the complicity of the petitioner in the alleged crime as also it is apparent from the records that the petitioner had allured the victim girl and committed rape with her. Moreover, this Court finds that there is no change in circumstance, from the day the prayer of the petitioner for grant of bail was rejected on 25.08.2020, till date, thus there is no occasion to reconsider the prayer of the petitioner for grant of bail, therefore, the present petition stands dismissed.

**(Mohit Kumar Shah, J)**

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