

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29431 of 2020

Arising Out of PS. Case No.-643 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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BIPIN PASWAN, Son of Mohan Paswan, Resident of Village - Masathu, P.S.
- Belachhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 304(B), 120(B) and 201 of the Indian
Penal Code.

The complaint based allegation would reveal that the
sister of the complainant was married with Sambhu Kumar. Sambhu
Kumar had gone to earn his livelihood and taking advantage of his
absence, the petitioner and co-accused persons started torture against
the victim for non-fulfillment of their illegal demand. Petitioner used
to sexually harass the victim. On 09.12.2016, the victim died in her
matrimonial house.

Learned counsel for the petitioner submits that the
complaint petition would reveal that there is non-compliance of the
mandate of Section 154(3) of the Code of Criminal Procedure as no
step was taken for information to the police in respect of the



cognizable offence alleged and that was a ground for quashing of the FIR in Priyanka Srivastava & Anr. Vs. State of U.P. & Ors. reported in 2015(6)SCC 287.

The witnesses, examined during inquiry, under Section 202 Cr.P.C., are not the eyewitnesses of the occurrence nor there is any other material that the act of the petitioner was ever complained to any authority.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case No. 643(C) of 2016, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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