

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2570 of 2021**

Arising Out of PS. Case No.-319 Year-2020 Thana- TAJPUR District- Samastipur

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Ramlil Paswan, aged about 55 years, Gender-Male, Son of Sri Palat Paswan,
Resident of Village- Dharampur Dakhli, PS- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S S P Yadav, Advocate
For the State : Mr. Bharat Lal, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 30-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. S S P Yadav, learned counsel for the petitioner and Mr. Bharat Lal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Tajpur PS Case No. 319 of 2020 dated 19.08.2020, instituted under Sections 342, 376, 504, 341, 511, 506 and 323/34 of the Indian Penal Code.

4. The allegation against the petitioner is that on 10.08.2020 at about 10:30 PM while the informant was sleeping in her house, the petitioner had entered and tried to remove her clothes and when she woke up, he had pressed her mouth and tried to commit rape, but in the meanwhile, her father-in-law raised



alarm and villagers and her husband had come and the petitioner had fled away. It was further alleged that when the family members of the informant went to the house of the petitioner, he was not present and other five accused, who were family members of the petitioner had misbehaved with the family members of the informant who had gone there to confront the petitioner for his conduct.

5. Learned counsel for the petitioner submitted that this is a totally false case instituted for oblique reasons. It was submitted that the nephew of the petitioner had bought a piece of land from its genuine and *bona fide* owner Jagat Pandit, who is the *khatiyani* raiyat, on 10.05.2014. Learned counsel submitted that the same piece of land was bought by the father-in-law of the informant also by registered sale deed on 26.04.2014 from Monarik Pandit, who has no right or title over the said piece of land. It was submitted that after buying the land, *jamabandi* was also created and rent receipt issued in favour of the nephew of the petitioner. Learned counsel submitted that for the same piece of land, the father-in-law of the informant had filed MR Case No.170 of 2020 in the Court of Sub Divisional Officer, Samastipur which was finally dropped in favour of the petitioner's family by order dated 08.04.2020 and just to create pressure with regard to the



lands, this false case has been instituted as the petitioner's family is in possession over the said land. Learned counsel submitted that the falsity of the case would be apparent from the fact that though the incident is said to have occurred on 10.08.2020, but the FIR was lodged on 19.08.2020, after nine days for which there is no satisfactory explanation and only a bald statement has been made that the petitioner refused for *panchayati*. It was further submitted that the incident itself is unbelievable that the petitioner would enter the house of the informant at night without there being any noise or without breaking of any lock and reach the room of the informant and thereafter, upon hue and cry being raised, he would jump the boundary wall, for the reason that the petitioner is aged 55 years and it is not possible for him to jump over a boundary wall, which even under normal circumstances would not be less than 5 to 6 feet in height. Further, learned counsel submitted that only an attempt is said to have been made on the informant. It was submitted that the nephew of the petitioner, who has purchased the land has also been made a named accused in the present case but the thrust of the allegation is against the petitioner as he is Headmaster in a Government school and is the guardian of his family and, thus, he has been targeted so as to exert pressure on the whole family with ulterior motive and for oblique reasons.



Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the allegation against the petitioner is serious and that the land was purchased by the nephew but he has not been made the main accused. However, it was not controverted that the said nephew is also an accused in the present case though not as the main perpetrator of the crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds force in the submissions of learned counsel for the petitioner that the occurrence, as narrated in the FIR, raises serious doubts with regard to the allegations made. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 2nd Samastipur in Tajpur PS Case No. 319 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall



co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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