

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7216 of 2021**

Arising Out of PS. Case No.-551 Year-2020 Thana- SUPAUL District- Supaul

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C. K. PASWAN SON OF RAMDEV PASWAN RESIDENT OF DABHARI,
WARD NO.07, P.S. AND DISTRICT-SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Supaul P.S. Case No.551/2020 registered for the offences punishable under Sections 376, 511, 341 and 379 of the Indian Penal Code.

As per the prosecution story, the informant alleged that on 11.08.2020 at 11.00 pm one person entered into her house and tried to outrage her modesty. It is alleged that on alarm being raised by informant, her husband came and tried to

catch hold of the said person but after snatching the golden chain and Mangalsutra from the neck of informant he tried to flee away. It is further alleged that thereafter neighbouring people assembled and caught him on chase. It is further alleged that the said person disclosed his name as C.K. Paswan (petitioner).

Learned counsel for the petitioner submits that from the First Information Report itself it would appear that the petitioner had allegedly entered into the house of the informant during the night hour at about 11.00 pm and the allegation is that he had snatched the golden chain and Mangalsutra of the informant when the husband of the informant tried to catch hold of him. The submission is that the allegation that the petitioner had tried to lift the saree of the informant and commit rape on her is only an ornamental allegation, an afterthought and has been falsely made. This petitioner was allegedly caught by the family of the informant and then he was handed over to police.

Learned counsel further submits that the petitioner has got no criminal antecedent and has remained in custody for about one year, investigation against him is complete but the trial is not likely to take place in near future.

Learned APP for the State is present and has opposed

the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation is that of attempt to rape, however it is the statement of the informant that her husband came there and tried to catch hold of him whereafter the petitioner fled away after snatching the golden chain and Mangalsutra of the informant but thereafter was caught, in the nature of the allegations, considering that the petitioner has remained in custody for one year approximately and he has got no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Supaul P.S. Case No.551/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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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'.