

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.8750 of 2021**

Arising Out of PS. Case No.-373 Year-2020 Thana- PURNEA SADAR District- Purnia

SUSHIL KUMAR PASWAN, Son of Birendra Paswan, Resident of Village-  
Parasmani, P.S.- Sarsi, Distt- Purnea. ... .. Petitioner

Versus

The State of Bihar ... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Md. Hussain, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      06-08-2021                      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 Mr. Ram Sumiran Rai, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sadar P.S. Case No. 373 of 2020 registered for the offence punishable under Sections 376, 313 and 506 of the Indian Penal Code. He is in custody since 16.10.2020.

As per the prosecution story, the informant was working in a diagnosis centre as nurse for last one year. In the meantime, this petitioner joined the same diagnosis centre and used to tell her that if she does not marry him, he will commit suicide by consuming poison. He took the informant to his rented house at Rambagh and had established physical relationship with her and also put vermilion on her head and also made a videograph. When

the petitioner came to know that informant was carrying two months pregnancy, he administered medicines and got her aborted. When the informant revealed this to her parents they came to know that this petitioner is already married and had two children. This petitioner has also threatened her if she does not come with him he will kill all her family members.

Learned counsel for the petitioner submits that on perusal of the First Information Report itself it would appear that the victim lady had gone on her own to live with this petitioner and she being major had entered into physical relationship.

Learned counsel submits that both the petitioner and the victim lady were working in the same clinic and they had come in contact with each other whereafter allegedly this relationship developed.

On the other hand, Mr. Ram Sumiran Rai, learned A.P.P. for the State submits on going through the case diary that in course of investigation no doubt it has come that the victim lady had gone to live with this petitioner but at the same time this has also transpired in course of investigation that this petitioner had misled the victim lady to enter into the relationship on the allurements of marriage knowing fully well that he is already married and has two children out of his legally wedded marriage.

Learned A.P.P. has informed that when the victim lady

became pregnant, this petitioner had allegedly administered medicines and got aborted and in order to save himself made a videograph of himself putting vermilion on the head of the informant.

Considering the facts and circumstances of the case, this Court has though noticed that the victim lady was major, as per the medical report she was aged between 18-19 years but this petitioner established physical relationship with her despite the fact that he was already married and had two children, when this came to the notice of the victim lady, she felt cheated and lodged the present F.I.R., in these circumstances, considering the gravity of the offence alleged and the materials on the record particularly about the petitioner being married and having two children and then alluring this victim lady to establish physical relationship with him, this Court is not inclined to release the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

**(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'.