

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24486 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- KATRA District- Muzaffarpur

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BABU SAHEB PASWAN @ RAJABABU PASWAN Son of Mahendra
Paswan Resident of village - Behta, P.S.- Banipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 03-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Katra P.S.
Case No. 29 of 2020 registered under Sections 376, 313, 504 and
506/34 of the Indian Penal Code.

Allegedly, the informant was in love with one co-accused
Jitendra Paswan and on the assurance of solemnization of marriage,



the said co-accused namely Jitendra Paswan established physical relationship with the informant.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The informant and the co-accused namely Jitendra Paswan were in physical relationship for last ten years and for one reason or the other, the marriage could not be solemnized between the victim and co-accused Jitendra Paswan and hence, the present prosecution has been brought. The petitioner happens to be brother-in-law of the co-accused Jitendra Paswan and for this reason, the petitioner has been made accused in the present case. As per the allegation, the victim had to go under the process of abortion. There is no medical examination report on record to show that the victim was ever subjected to abortion. Counsel for the petitioner further relied upon the case of the Hon'ble Supreme Court reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra & Ors)** and **(2019) SCC 608 (Pramod Suryabhan Pawar vs State of Maharashtra and Ors.)**.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid



cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Judicial Magistrate-Ist Class, Muzaffarpur in connection with Katra P.S. Case No. 29 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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