

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26257 of 2021

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

1. MAHESH PASWAN Son of Late Surya Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
2. Arvin Paswan @ Aravindra Paswan Son of Mahesh Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
3. Lal Babu Paswan Son of Mahesh Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
4. Vinita Kumari Wife of Lal Babu Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
5. Puja Bhushan @ Puja Kumari Wife of Arvind Paswan @ Aravindra Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
6. Ram Rati Devi Wife of Mahesh Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
7. Manoj Kumar Sexena @ Manoj Paswan Son of Visesar Paswan Resident of Village- Bajpatti Goth, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.A.G

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 petitioners 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 petitioners and the State through virtual mode.

The petitioners are apprehending their 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, on the assurance of solemnization of marriage, one co-accused namely, Jitendra Paswan was in love with the informant for about last 10 years and he established physical relationship with the victim on the pretext of marriage but later on, he refused to solemnize marriage with the informant.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have 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 No. 1 happens to be father, petitioner Nos. 2 & 3 to be brothers, petitioner Nos. 4 & 5 happen to be sisters-in-law and petitioner No. 6 happens to be mother and



petitioner No. 7 is brother-in-law of the co-accused Jitendra Paswan who was in physical relationship with the informant and for the said reason, the petitioners have been made accused in the present case. As per the allegation, the victim had to go under the process of abortion but 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 petitioners are 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 petitioners, 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 their 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 petitioners 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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