

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44837 of 2021

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

Jitendra Paswan S/o Mahesh Paswan R/o Village- Lakhanpur, P.S.- Katra,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks regular bail in connection with
Katra P.S. Case No. 29 of 2020 instituted for the offences under
Sections 376, 313, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.06.2021 and charge-sheet has
been submitted in the case and after institution of the present
F.I.R. one case was instituted against the petitioner as mentioned
in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that the
informant in the F.I.R. alleges that she was having a love affair
with this petitioner for the last ten years and this petitioner on
the pretext of marriage had established physical relation with



her several times due to which she got pregnant. It is further alleged that this petitioner and his family members forcibly took her to Darbhanga and got the fetus aborted and also threatened the informant of dire consequences in the event she discloses about this to anyone else.

Learned counsel for the petitioner submits that the petitioner is a railway employee and the informant was in love with this petitioner, further that informant was a major and she knew the consequences of her action. Learned counsel further submits that the informant herself admits in the F.I.R. that she was in love with this petitioner for the last ten years and as such it cannot be presumed that he established physical relation on false pretext of marriage. Learned counsel further submits that as far as question of pregnancy is concerned, the said allegation is false and fabricated as there is no evidence to that effect nor during the course of investigation any evidence regarding the said fact has been collected rather the said allegation has been made only to make the case more serious.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 09.06.2021, charge-sheet has been submitted in the case



and the informant was major and she herself admits that she was in love with this petitioner for the last ten years as such prima facie it does not appear that physical relation, if any, was established under false pretext of marriage, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of Ms. Arti Kumari, learned J.M. 1st Class, Muzaffarpur in connection with Katra P.S. Case No. 29 of 2020.

(Satyavrat Verma, J)

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