

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49329 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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Rahul Kumar Paswan @ Rahul Kumar Son of Kuldev Paswan R/o Village -
Dhanhara, P.S. - K. Nagar (Champanagar), District – Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 19-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ashok Kumar Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with K. Nagar (Champanagar) P. S. Case No.
229 of 2021 registered for the offences punishable under



Sections 363, 365, 376 read with 34 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences, Act.

As per the prosecution case, it is alleged that on 27.05.2021, when the informant went for nature call, in the meantime, this petitioner came and forcibly taken her to a field, where some other persons were already present. It is further alleged that they have taken the informant to other place and thereafter, this petitioner committed rape upon her.

Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation her statement was recorded under Section 164 Cr.P.C. where she made statement that she out of her own sweet will went along with one Rahul Kumar and thereafter, this petitioner has committed wrongful act. It is next submitted that during the pendency of this application, the informant was examined and she has not supported the prosecution case and she has been declared hostile. A copy of which has been brought on record by way of annexure 2 to the supplementary affidavit. It is next submitted that this petitioner is in custody since 03.06.2021, having fair antecedent.

On the other hand, learned APP for the State



opposes the bail application and submits that though there was specific allegation against this petitioner, however, later on, the informant not supported the prosecution case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the informant has not supported the prosecution case during the course of trial and this petitioner is in custody since 03.06.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Purnea in connection with K. Nagar (Champanagar) P. S. Case No. 229 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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