

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57981 of 2021**

Arising Out of PS. Case No.-683 Year-2021 Thana- ARA NAWADA District- Bhojpur

Anil Paswan @ Anil Kumar S/o Shobha Kant Paswan @ Shobha Kant Das
R/o Village- Jawahar Tola, P.S.- Nawada, District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 18-05-2022 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. Sudish Kumar, 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 Ara Nawada P. S. Case No. 683 of 2021 registered for the offences punishable under Sections 341, 323, 354, 363 read with Section 34 of the Indian Penal Code. Later on Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act were added.



As per the prosecution case, it is alleged that on 20.07.2021 at about 08:00 A.M. while the informant was going to attend coaching class, the petitioner and his father along with 3 to 4 other unknown persons forcibly caught hold and took her to the their house thereafter, the accused persons ravished her. It is further alleged that three female accused persons, who were present at the place of occurrence, dictated the other co-accused persons to rape her and thereafter, throw her body in the canal. It is also alleged that the accused persons were pressurised her to acknowledge that she received Rs. 4,00,000/- and jewellery and also got recorded the same.

Learned counsel appearing on behalf of the petitioner submits that the entire allegation levelled in the F.I.R. appears to be absurd in as much as the true fact is that prior to this occurrence, a theft has been committed in the house of the petitioner and suspicion has been raised over the informant and her family members. Thereafter, she was caught and scolded by this petitioner and his family members and on being apprehensive she lodged this F.I.R. It is also submitted that the father of the petitioner had lodged Ara Nawada P. S. Case No. 684 of 2021 for the offence punishable under Section 380 of the Indian Penal Code against the present informant and her family



members. It is further submitted that the informant was also examined by the doctors in which her age has been assessed between 17 to 18 years and no internal and external injury has been found over the body of the victim. It is next submitted that the statement of the informant has also been recorded under Section 164 Cr.P.C. wherein she denied the prosecution case and stated that the accused persons were pressurised to acknowledge that she has stolen Rs. 4,00,000/- and ornaments however, the matter has been amicably settled and she categorically stated that the accused persons have not committed any wrongful immoral act as alleged in the F.I.R.

On the other hand, learned APP for the State fairly submits that the victim, whose statement has been recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate, has denied the allegation levelled in the F.I.R.

Having considered the submissions made on behalf of the parties and taking into account the fact that the statement of the victim has been recorded but she did not support the prosecution version and thereafter, even during the course of investigation no witness has come to support the allegation and this petitioner is a primary teacher of a Government School, having no criminal antecedent and is in custody since



21.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Nawada P. S. Case No. 683 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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