

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55037 of 2022

Arising Out of PS. Case No.-523 Year-2021 Thana- TAJPUR District- Samastipur

Karan Paswan S/O Late Sonelal Paswan R/O Village- Dharmpur Dakhili,
P.S.- Tajpur Halai O.P., District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Subodh Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the State
through video conferencing.

Petitioner seeks bail in a case registered in connection
with Tajpur (Halai) P.S Case No. 523 of 2021 for the offences
punishable under Sections 341, 323, 376, 504, 506/34 of the
Indian Penal Code.

The prosecution case is based on a written report
filed by the informant alleging therein that about 9 to 10
months back in March 2021, when she came to her aunt's
residence, this petitioner forcibly made physical relationship and
also ensure that he would solemnize marriage with her. On the



pretext of marriage, the petitioner has continued physical relationship with her. However when the informant pressurized to solemnize the marriage, he refused to do so and abused her and threatened with dire consequences.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the informant is a major and relationship between the informant and the petitioner was a consensual relationship, as it continued for almost nine months. He further submits that during the course of investigation, the statement of the victim was recorded under section 164 of the Cr.P.C wherein she has stated that she wants to marry with the petitioner. He next submits that as the family member of the victim and the informant were interested to marry with the petitioner but the family members of the petitioner were not agreed and due to which this FIR has been instituted, apart from the fact that the petitioner is in custody since 14.07.2022 and the charge sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that there is specific allegation against the petitioner that on the pretext of marriage he made physical relationship with the informant and later on denied from marrying with the informant.



Regard being had to the submissions made on behalf of the parties and considering the fact that alleged relationship appears to be consensual in nature, as it has continued with each other for nine months, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Samastipur in connection with Tajpur (Halai) P.S Case no. 523 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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