

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9428 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- MAHILA P.S. District- Sheohar

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Dharmendra Paswan Son of Naresh Paswan R/V- Maulaganj, P.S- Tariyani,
Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 02-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Sheohar
Mahila P.S. Case No. 38 of 2022 dated 20.11.2022 registered for
the offences punishable under Sections 341, 342, 323, 452, 376
and 506 of the Indian Penal Code.
3. As per the prosecution, the informant (prosecutrix)
alleged that this petitioner forcefully entered into her house on
the alleged date and time and forcefully committed rape on her
and also threatened her of dire consequences.
4. The main submissions advanced by learned counsel for
petitioner are that the FIR was lodged two days after the
commission of alleged occurrence of rape and petitioner is not
the resident of victim's village and he belongs to another village
and his presence was not natural at the victim's village at the

time of the commission of the alleged occurrence and the said fact casts serious doubt upon the allegation levelled in the FIR against him. Further submissions are that the victim has compromised with this petitioner and filed compromise petition before the trial Court and the petitioner has been languishing in jail since 21.11.2022 having fair and clean antecedent and he is twenty-two years old.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the seriousness of the allegation appearing against the petitioner from the FIR which relates to the offence of rape and the same gets support from the victim's own statement recorded by her before the Judicial Magistrate, in my opinion, it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.

7. The petitioner may renew his bail prayer after the examination of victim in his trial.

(Shailendra Singh, J)

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