

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32359 of 2023**

Arising Out of PS. Case No.-108 Year-2022 Thana- MAHILA PS District- Gaya

ARBIND PASWAN SON OF SRI PANCHAN PASWAN @ PACHCHAN
PASWAN RESIDENT OF VILLAGE SINDANI, POLICE STATION-
BELAGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 28-08-2023 Heard Mr. Navin Kumar, learned Counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is an accused in connection with
Mahila P.S. Case No. 108 of 2022 registered for the offences
under sections 376, 341, 323 and 506 of the Indian Penal Code
lodged on 25.11.2022 by the informant, Kamla Devi.

As per the prosecution story, the informant gave
written complaint that while she was coming from field, this
petitioner dragged her and on the gun point, committed rape.
The further allegation is of having beaten mercilessly and
threatened that if informed to the police will have to face dire
consequences. Accordingly, the FIR.

In this case, the earlier bench had called for a case



diary on 31.07.2023, which has since been received.

Learned Counsel for the petitioner has taken this Court to the paragraph 17 which is the statement of an independent witness according to which, allegation is that she had taken the entire cow dung from the cow shed of the accused persons and when this was objected, there was hot conversation between his wife and the informant in which the petitioner intervened and this led to the lodging of the FIR. This statement has been supported by some more witnesses which has been recorded in paragraph 15 and 16.

Learned Counsel for the petitioner submits that actually the lady had taken the entire cow dung, this was objected by the petitioner's wife, she fought with the informant, the petitioner intervened and that led to lodging of the FIR and he has suffered by being in custody since 27.11.2022 (as stated in paragraph 4 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail. However having gone through the different paragraphs of the case diary, he concedes that the independent witnesses have stated otherwise.

Taking into account the facts on record, the statement of the witnesses that has been incorporated in the case diary in



which he has stated that actually the informant lady had taken the cow dung from the petitioner's house, this led to a fight between his wife and the informant, FIR lodged and will be facing the trial, his period of custody (27.11.2022), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge XII, Gaya in connection with S.T. No. 355 of 2023 arising out of Mahila P.S. Case No. 108 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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