

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32629 of 2022

Arising Out of PS. Case No.-380 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

RAJESH KUMAR Son of Late Puna Paswan Resident of Village-Nazirpur,
P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Varsha Kumari D/o Vashistha Paswan Resident of Village-Chak Mohabbat,
P.S.-Ahiyapur, District-Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh kumar, Adv. Mr.Radha Mohan Singh, Adv.
For the Opposite Party/s	:	Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

8 03-04-2023 Heard learned counsel for the petitioner as well as Dr.
Indihar Kumari, the learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Ahiyapur P.S. Case No. 380 of 2019, registered for the offences punishable under Sections 376, 420 and 34 of the Indian Penal Code.

There is allegation against the petitioner that at the pretext of marriage he had continuous physical relation with the victim and when the informant asked him for marriage he extended evasive gestures and ultimately denied to marry the victim. On 30.03.2019, the mother and aunt of the petitioner assaulted and misbehaved the victim.

The learned counsel for the Petitioner has submitted



that he is innocent and is under custody for more than a year. The medical report does not corroborate the allegation made in the FIR. A report was called for from the Superintendent of Police about the evidence in respect of pregnancy of the victim. The report has been received but there is nothing in that report which shows that there is evidence of pregnancy.

He has also submitted that the charges have been framed in this case and after the lapse of 6 months not a single witness has been examined which transpired from the report submitted by the learned District and Session Judge vide letter No. 1178 dated 02.03.2023.

The learned APP, though opposed the prayer for bail but fairly conceded that in the medical report there is no evidence at all.

The letter No. 1178 date 02.03.2023, sent by the learned District and session judge, Muzaffarpur shows that on 15.11.2022, the charges were framed but up till now, not a single witness has been examined.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 380 of 2019, subject to the following conditions:-



(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

SONALI/Sudha

U		T	
---	--	---	--

