

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Lakhisarai

PAWAN DAS @ PAWAN RAVI DAS Son of Rajindra Das @ Rajindra Ravi Das At present R/o Palam Vihar, Gali No. 12, Sector - 05, Makan Malkin - Kanta Devi, W/o - Navin, Gurgaon, P.S. and Distt. - Gudgaon, (Haryana), R/o vill - Navi Nagar, Cham Toli, P.S. and distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-07-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection
with Lakhisarai Mahila P.S. Case No.39 of 2020 dated
15.12.2020 registered for the offence(s) punishable under
Section(s) 420, 376/34 of the Indian Penal Code.

3. The main submissions advanced by the
learned counsel for the petitioner are that admittedly the
complainant who lodged the FIR by filing complaint is a
married lady having two children and petitioner is a co-villager
of the complainant and as per the allegation the alleged physical
relationship between this petitioner and the complainant started
in the year 2019 but she filed the complaint on 01.10.2020,



though she made the allegation of forceful sexual relationship with her by the petitioner but she remained silent for a long period about one year which creates a serious doubt in the allegations levelled by her and moreover the petitioner has fair and clean antecedent and he has been languishing in jail since 02.11.2022 and the offence of rape as alleged in the FIR is not made out in this case as the complainant was a consented party to the alleged physical relationship.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period and the nature of allegation levelled against him in the FIR which is based on complaint, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Lakhisarai Mahila P.S. Case No.39 of 2020 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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