

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54510 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- BALIGAON District- Vaishali

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1. SURENDRA PASWAN SON OF LATE SURAJ PASWAN RESIDENT OF VILLAGE- CHAKJADO, PS- BALIGAON, DIST- VAISHALI AT HAJIPUR
 2. DILIP PASWAN SON OF HARIHAR PASWAN @ HARINDRA PASWAN RESIDENT OF VILLAGE- CHAKJADO, PS- BALIGAON, DIST- VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad
For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-12-2023 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Baligaon Police Station Case No. 58 of 2022, disclosing offences under Sections 341, 323, 313, 376, 504, 506, 34 of the Indian Penal Code.

3. As per the First Information Report, the informant was married with some other person, about nine years ago, and she was blessed with a son from her wedlock. The husband of the informant deserted her and she started living at her father's house where she fell in love with the co-accused Deepak Kumar who, on the pretext of marriage, sexually abused the informant



and when the informant pressurized Deepak Kumar to marry her, he told the informant to abort her pregnancy and fled away. On 08.04.2022, the accused persons, including the petitioners along with 4-5 other accused persons, caught hold the informant and administered intoxicated substance, due to which, she became unconscious and, on 11.04.2022, when she got consciousness, she found herself at nursing home at Muzaffarpur and got the knowledge that her child in the womb has been removed by surgery.

4. Learned Counsel for the petitioner submits that the allegation of rape, on the pretext of marriage, is not upon the petitioners but the same is upon co-accused Deepak Kumar. The only allegation against the petitioners that he along with Deepak Kumar and other accused persons administered intoxicated substance to her and got her foetus removed through surgery. The similarly situated accused persons have been granted bail by a Co-ordinate Bench of this Court vide *Annexure 3*. He further submits that the allegation against the petitioners is false and concocted and the present FIR has been lodged in retaliation of Baligaon P.S. Case No. 80 of 2020 lodged by co-accused Deepak Kumar against the sister of the informant.

5. Having regard to the submissions made on behalf



of the parties and taking into consideration the nature of allegation and the fact that similarly situated accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Surendra Paswan Dilip Paswan, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Baligaon Police Station Case No. 58 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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