

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51192 of 2023**

Arising Out of PS. Case No.-2121 Year-2012 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Raju Ranjan Paswan Son Of Subash Paswan R/O-Akorahi, P.S.-CHAURI,
Distt.-BHOJPUR

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kanchan Devi Wife Jitendra Paswan R/O-Akorahi, P.S.-chauri, Distt.-
bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bhojpur Complaint Case No. 2121 © of 2012, instituted for the
offence punishable under Sections 323, 354, 354(b), 376/511 of
the Indian Penal Code.

3. The prosecution case, in brief, is that on 15.08.2011
at about 09:00 pm, when the victim girl had gone to attend
nature's call, the petitioner came and molested her. It is further
alleged that the petitioner forcefully took her in a room of flour
mill and tied her legs and hands and then disrobe her. In the
meantime, someone heard her shouting and came to her rescue.



Next morning, when victim's family went to petitioner's house, he assaulted them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the occurrence took place on 16.08.2012 but the complaint petition was filed on 29.12. 2012 and there is no explanation for the delay in filing the complaint petition. It is further stated that the complaint petition was filed under Section 323, 454, 376, 511 of the Indian Penal Code but the Magistrate took cognizance under Section 354(B) and 323 of the Indian Penal Code. Learned counsel further submitted that the complainant and accused both are co-villagers and due to previous enmity between the parties this false case has been lodged against the petitioner. It is next submitted that complainant in the complaint firstly stated the victim is a girl but lastly it is stated that the victim girl is married, which shows that the complainant has concocted the case to falsely implicate the petitioner because of previous enmity. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bhojpur Complaint Case No. 2121 © of 2012, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhojpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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