

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49531 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- PHENHARA District- East Champaran

RUPESH PASWAN S/o Kameshwar Paswan R/o Village - Kalu Pakar, Ward
No. 3, P.S.- Fenhara, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. APARNA KUMARI D/o Satish Chandra Srivastava R/o Village - Kalu Pakar, P.S.- Fenhara, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in a case registered for
the offence under Sections 447, 448, 323, 379, 354B, 376
and 511 of 34 of the Indian Penal Code.

The petitioner along with others are said to have
assaulted the father of the informant on the head with an
iron rod and they have kept knife on the neck of the
informant's mother and tore her clothes and stolen her
golden chain.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case due to previous case lodged by the wife of the co-accused, Kameshwr Paswan under the SC/ST Act against the informant. He further submits that as a matter of fact the allegation as alleged in the F.I.R. is false and fabricated as no such occurrence as alleged in the F.I.R. took place. He further submits that it has also come during the investigation in paragraph-119 of the case diary that statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that no one has committed rape upon. He further submits that it appears from the F.I.R. that the petitioner along with others have only entered in the house of the informant but no specific allegation of assault or any overt act is attributed to him. Moreover, the co-accused, namely, Mithu Ram @ Mithu Kumar Ram has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 9360 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.04.2022.

Learned counsel for the petitioner as well as



learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Fenhara P.S. Case No. 152 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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