

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52032 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- MAHILA P.S. District- Patna

NIRMAL KUMAR PASWAN S/o Sri Bhogendra Paswan R/o village-
Sigiyahi Road, P.S.- Pupari, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Manoj Kumar Manoj, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Binodjee Verma, Advocate Mr. Alok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 29-08-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mr. Manoj Kumar Manoj, learned Advocate for the petitioner, Mr. Binodjee Verma, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is that on the pretext of marriage, he committed rape against the informant but, later on, due to non-fulfillment of demand of dowry he refused to marry with her.

4. It is submitted by learned senior counsel for the petitioner



that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that the informant never visited on alleged date of occurrence on 09.07.2021 in the Boys Hostel at AIIMS, Patna at alleged place of occurrence as there is administrative prohibition of any girl to enter in the Boys Hostel and above the more she was patient but no registration for treatment in the AIIMS, Patna ever made by the informant which falsifies the case of presence either in the Boys Hostel or in the AIIMS premises itself. It is further submitted that the petitioner is ready to solemnize marriage with the informant but the informant is not ready. Learned senior counsel for the petitioner has also relied upon the judgment in the case of **Pramod Suryabhan Pawar Vs. State of Maharashtra** reported in **2019 (4) PLJR (SC) 71**. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the informant opposed the prayer for bail. Learned counsel for the informant submitted that there is specific allegation against the petitioner of committing rape against the informant, hence, the petitioner does not deserve anticipatory bail.

6. On previous occasion, with consent of parties, this case was



adjourned to settle the dispute between the parties out of the Court with the assistance of learned counsel appearing in this case. Today, it is informed that the dispute could not be settled.

7. Considering the arguments of the parties and on perusal of records, now it is not in dispute that the informant is major and both are doctors, in such view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Patna Mahila P.S. Case No. 38 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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