

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55085 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA P.S. District- Rohtas

Deepak Paswan, Son of Late Laxman Paswan R/V- Kudwa, P.S- Agrer, Dist-
Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office if any, within a
period of four weeks from today.

Heard Mr. Jitendra Prasad Singh, learned counsel for
the petitioner and learned APP for the State.

This is an application for grant of bail to the
petitioner, who is in custody in connection with Mahila P.S.
Case No. 36 of 2021, registered for the offences punishable
under Sections 341, 323, 376 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is based on a written report of
the informant alleging therein that the petitioner and the
informant had good relationship on account of which he used to
come frequently to her house. Thereafter, both the informant and



the petitioner developed good relationship with each other, which resulted into settlement of marriage. After settlement of the marriage, the informant and the petitioner used to live together as wife and husband and this petitioner established physical relationship with her. However, after four years of the settlement, the petitioner denied to marry her and also demanded Apache motorcycle and two *kathas* of land. It is alleged that the petitioner on the pretext of marriage exploited the informant for the last four years and later on refused to marry.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that there was good relationship which resulted into settlement of marriage between the parties and in fact both being major had consensually made physical relationship and, as such, no offence is made out as alleged in the FIR. He further submits that the dispute arose, on the date on which the petitioner refused to continue the relationship with the informant which was opposed by the informant. He next submits that so far as the allegation of demand of motorcycle and land is concerned that is an exaggeration made on behalf of the informant. He lastly submits that the petitioner is a man of fair antecedent and now he has



remained in custody for over a period of 8 months, moreover, the investigation of the crime is already complete.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that from reading of the FIR it is evident that the informant was sexually exploited and the date on which physical relationship was established by the petitioner, she was minor.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the period of custody and the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Mahila P.S. Case No. 36 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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