

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55177 of 2022**

Arising Out of PS. Case No.-08 Year-2021 Thana- TARIYANI CHAPRA PS District-
Sheohar

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Ramekwal Paswan @ Ram Ikval Paswan, S/o Ramswaroop Pasawn @ Sarup
Paswan, R/V- Sogara Adalpur Kundal, P.S.- Tariyani, Distt-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-02-2023 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. Ajay Kumar Tiwary, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Tariyani Chhapra P.S. Case No. 08 of 2021
registered for the offences punishable under Sections 448, 354,
376 / 511 of the Indian Penal Code.

The prosecution case is based on the written report
alleging therein that in the night of 13.01.2021 at about 12



o'clock, while the informant along with her children were sleeping, in the meantime, the petitioner surreptitiously entered in the house of the informant and after removing her clothes tried to commit rape, however, the informant screamed and the family members gathered, thereupon the petitioner fled away.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the occurrence took place in the night of 13.01.2021 at about 12 o'clock, but surprisingly this FIR has been instituted on 17.01.2021 after a delay of four days without assigning any reason for the same. He next submits that even as per the FIR, it is alleged that an attempt was made by the petitioner and she was not subjected to rape, further the petitioner and the informant are neighbor and in fact on account of some trifling dispute, the name of the petitioner has been implicated in this case, however, the petitioner is a married person, aged about 55 years, having fair antecedent and so far the belongings seized at the place of occurrence is concerned, that doesn't belong to the petitioner. He lastly submits that the petitioner is in custody since 13.12.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that



specific allegation has been levelled against the petitioner that he entered in the house of the informant and tried to commit rape, which has also been supported by the witnesses during the course of investigation.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the delay in lodging of the FIR, coupled with the fair antecedent and period of custody, 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 Sri Rajesh Kumar Gaurav learned Judicial Magistrate 1st Class, Sheohar in connection with Tariyani Chhapra P.S. Case No. 08 of 2021, subject to the condition that one of the bailors will be the close relatives 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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