

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62707 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA THANA District- Begusarai

SHANKAR PASWAN S/o Ramanand Paswan R/o Village- Abgil Husena,
P.S.- MedniChowki, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Mahila P.S. Case No. 06 of 2022, registered for the offences punishable under Sections 341, 323, 376, 379 of the Indian Penal Code.

As per allegation, at the pretext to facilitate to meet the victim with her mother, the petitioner brought her to Lakhisarai from Ramjanpur Chowk. He assaulted her from 17.04.2022 to 18.04.2022 and committed rape upon her.

The learned counsel for the petitioner has submitted that the entire allegation is false. The victim is a married lady and the petitioner is also a married person. By drawing my



attention towards paragraph no. 6 of the case diary, he has submitted further that investigating authorities have perused the C.D.R. of mobile number of the petitioner and the victim. They found that on 17.04.2022, Shankar Paswan and the victim were in their respective houses. The allegation of bringing the informant to Lakhisarai, was not found true. There is no evidence against the petitioner to commit rape upon her.

On the other hand, the learned APP for the State and learned counsel for the informant have opposed the prayer for bail and submitted that the victim in her statement under Section 164 of the Cr.P.C. has supported her earlier version as mentioned in fardbeyan.

It appears that during investigation, it has come that on the day of occurrence, the informant was not in Lakhisarai, rather she was in her own house. The petitioner is under custody since 24.05.2022.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Begusarai in connection with Mahila P.S. Case No. 06 of 2022, subject to the following conditions:-



- (i) The petitioner shall remain physically present on each and every date till conclusion of the trial and his failure in physical appearance shall lead to cancellation of his bail bond.
- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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