

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70841 of 2022

Arising Out of PS. Case No.-535 Year-2014 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Santosh Kumar Paswan @ Santosh Kumar Son of Shreelal Paswan R/V- Sant
Marij School, P.S- Kaji Mahmadpur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
16.07.2022 in connection with BP No. 1586 of 2022 arising out
of Muzaffarpur Town P.S. Case No. 535 of 2014, F.I.R. dated
16.07.2014 for the offences punishable under Sections 323,
341, 307, 354, 376, 511, 365, 366, 380 and 504 of the Indian
Penal Code.

According to prosecution case, the petitioner gave
threats of kidnapping and rape if his marriage is not solemnized



with Rinku Kumari who is younger sister of the complainant. It is further alleged that the petitioner is in drunken state and he caught Rinku and started eve-teasing. When she protested, the petitioner put some white chemical on her face.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the victim is the wife of the petitioner and the allegation as alleged in the F.I.R./Complaint case is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the present F.I.R./Complaint petition has been filed only to harass the petitioner and in fact, the petitioner has already filed a case bearing SC/ST Muzaffarpur P.S. Case No. 13 of 2014 under Section 341, 323, 504, 307, 506, 379/34 of the Indian Penal Code and Section 3(1) 2(x) of the SC/ST Act. He further submits that the present F.I.R. has been filed by the informant in retaliation of the F.I.R. filed by the petitioner against the informant and their family members. He further submits that even the statement of the victim under Section 164 of the Cr.P.C. was also not recorded by the prosecution and the medical report is also not available on record which shows that no such occurrence has taken place. He further submits that the



police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 1 criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with BP No. 1586 of 2022 arising out of Muzaffarpur Town P.S. Case No. 535 of 2014, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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