

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75306 of 2022

Arising Out of PS. Case No.-234 Year-2020 Thana- DHURAIYA District- Banka

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Dilip Paswan S/O Late Giro Paswan Resident of village- Chapri, P.S.-
Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 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
04.09.2020 in connection with S.T. No. 17 of 2021 arising out
of Dhoraiya P.S. Case No. 234 of 2020, F.I.R. dated 03.09.2020
for the offences punishable under Section 376 of the Indian
Penal Code.

Earlier the bail application of the petitioner has been
rejected vide order dated 23.08.2022 passed in Cr. Misc. No.
15988 of 2021.

According to prosecution case, this petitioner forcibly



raped to the informant and threatened to kill her and her family if the matter is disclosed.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the alleged occurrence took place on 20.08.2020 but the present F.I.R. was instituted on 03.09.2020 i.e. after delay of 12 days without giving any explanation of the said delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

Vide order dated 02.05.2023 a report was called with regard to the stage of trial. Report of the learned Trial Court dated 08.05.2023 reveals that the charge has already been framed against the petitioner on 05.04.2021 and out of 7 prosecution witnesses only 2 witnesses have been examined and the case is pending for the evidence of the rest of the prosecution witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 04.09.2020.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and the period of custody, 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 Additional Sessions Judge 1st, Banka in connection with S.T. No. 17 of 2021 arising out of Dhoraiya P.S. Case No. 234 of 2020, 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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