

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6031 of 2024

Arising Out of PS. Case No.-1252 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Santosh Paswan Son of Manoj Paswan R/o vill - Tamka @ Tabhka @
Tabhaka, P.S. - Vibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 1252 of 2023 instituted for the offences
under Section 376 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of forcibly committing rape upon the
victim/Informant. It is further alleged that when the victim
protested for the same, the petitioner threatened to kill her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He submits that the place of occurrence is a public place and it



is quite impossible to commit such a crime there. There is no medical report as the victim girl herself denied for medical examination which creates a great doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.09.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is the sole named accused in the F.I.R. The statements of the victim girl made under Section 161 and 164 Cr.P.C. fully corroborates the allegation made in the F.I.R. Several witnesses have also supported the case of the prosecution. Charge-sheet has been submitted under Section 376 of the I.P.C. against the petitioner. The offence alleged is serious in nature and, thus, the petitioner does not deserve bail.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent as also there being no medical report, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of Court below/concerned Court in connection with Ahiyapur P.S. Case No. 1252 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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