

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13267 of 2024

Arising Out of PS. Case No.-78 Year-2022 Thana- MAHILA P.S. District- Saharsa

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Dilwar Kumar @ Dilwar Paswan @ Dilbar Kumar, Son Of Lalmani Paswan
@ Laleshwar Paswan Resident Of Village-Pawari Tola, Ward No.-5, P.S.-
Maheshkhunt, Distt.-Khagaria.

... .. Petitioner/S

Versus

The State Of Bihar and another

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kumari Anupam

For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 376, 354(B),
354(C), 379, 504 and 506 of the Indian Penal Code and Section
67 of the I. T. Act

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant case by the informant, who
worked as a dancer in the Orchestra of the petitioner. It is next
submitted that the informant alleges that on 28.04.2022 at 7.00
P.M. while she was at her house and her husband had gone to
Madhepura, when petitioner entered her house and raped her on



gun point and even took her nude photographs and assaulted her and also took away Rs.1,50,000/- kept in the Godrej along with mangalsutra, payal etc. and demanded Rs.2 Lacs otherwise the video would be made viral.

4. The learned counsel for the petitioner submits that the petitioner and the informant were known to each other as she was working in his orchestra group for the last so many years. It is also submitted that the petitioner and the informant were in relationship. It is next submitted that the date of occurrence is 28.04.2022 and the F.I.R. came to be instituted on 26.10.2022 i.e. after a delay of six months, which cast an aspersion on the case of the prosecution and the petitioner is in custody since 20.03.2023. It is further submitted that in the event, if petitioner is released on bail, he will cooperate in the trial and will not abscond.

5. Learned A.P.P. Sri Rabindra Kumar opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-1st, Saharsa in connection with S.T.
No.255 of 2023 arising out of Mahila P. S. Case No.78 of 2022.

7. The application stands allowed.

8. However, it is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify whether charges have been framed against the petitioner or not and in the event, if charges have not been framed against the petitioner, in that event, the petitioner would be released after framing of charge, but if charges have been framed against the petitioner, the petitioner shall be released forthwith.

9. It is further made clear that the learned trial Court comes to a conclusion that petitioner, being released on bail, is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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