

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33174 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- SHEOHAR District- Sheohar

1. VIJAY PASWAN S/O SUKUL PASWAN R/O VILLAGE- SUNDARPUR KHARAUNA, P.S- SHEOHAR, DISTT.- SHEOHAR.
2. GAGAN PASWAN S/O KALEVAR PASWAN @ KALESHAVAR PASWAN R/O VILLAGE- SUNDARPUR KHARAUNA, P.S- SHEOHAR, DISTT.- SHEOHAR.
3. BIGU PASWAN S/O JIYALAL PASWAN R/O VILLAGE- SUNDARPUR KHARAUNA, P.S- SHEOHAR, DISTT.- SHEOHAR.
4. LALU PASWAN S/O NANDU PASWAN R/O VILLAGE- SUNDARPUR KHARAUNA, P.S- SHEOHAR, DISTT.- SHEOHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP
Md. Sharda Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 05-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Sheohar P.S. Case No. 283 of 2023 dated 07.12.2023 registered for the offences punishable under Sections 341, 323, 376D and 342 of the Indian Penal Code.

3. As per the prosecution case, when the informant went to attend call of nature, the petitioners took the informant



to the field forcibly and committed rape on her one by one after tying her mouth with Gamcha and making her nude. After sometime, the informant's husband along with some other persons came and save her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioners was disclosed by the husband of the victim. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.12.2023.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that the petitioners have forcibly committed rape on her one by one. As per medical report of the victim, the opinion regarding recent sexual activity is reserved.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sheohar P.S. Case No. 283 of 2023, pending in the Court of learned Chief Judicial



Magistrate, Sheohar.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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